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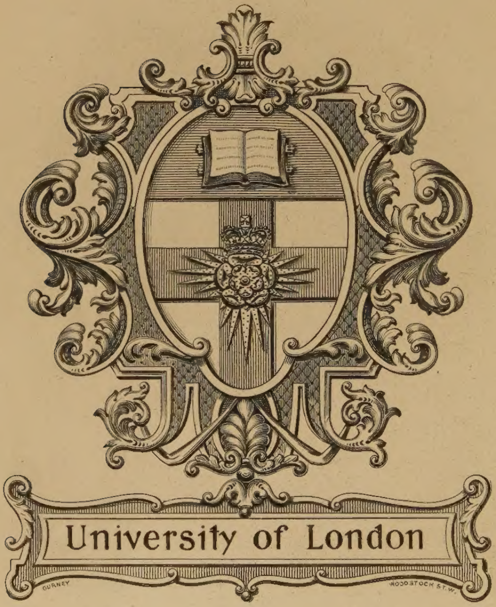
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THE

PARLIAMENTARY DEBATES,

New Series,

VOL. XIII.

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THE

PARLIAMENTARY DEBATES:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND,
FROM THE EARLIEST PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

New Series;

COMMENCING WITH THE ACCESSION OF GEORGE IV.

VOL. XIII.

COMPRISING THE PERIOD
FROM
THE NINETEENTH DAY OF APRIL,
TO
THE SIXTH DAY OF JULY, 1825.

LONDON:
Printed by T. C. Hansard at the Pater-noster-Row Press,
FOR BALDWIN, CRADOCK, AND JOY; J. BOOKER; LONGMAN, REES, ORME, AND CO.; J. M. RICHARDSON; KINGSBURY AND CO.; J. HATCHARD AND SON; J. RIDGWAY AND SONS; E. JEFFERY AND SON; RODWELL AND MARTIN; R. H. EVANS; BUDD AND CALKIN; J. BOOTH; AND T. C. HANSARD.

1826.

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PARLIAMENTARY DEBATES.

THE

Parliamentary Debates

During the Sixth Session of the Seventh Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Third Day of February 1825, in the Sixth Year of the Reign of His Majesty King GEORGE the Fourth.

HOUSE OF LORDS.

Tuesday, April 19.

QUARANTINE LAWS.] The Earl of *Darnley* rose, to call their lordships' attention to this subject; but as his intention was only to move for certain papers, to the production of which he expected no opposition, it would not, he said, be necessary to trespass long on their lordships' attention. A committee of the House of Commons had made a report on the subject of the Quarantine laws, in consequence of which, an alteration had been proposed in laws which had preserved the health of this country for more than a century. Some ships, he had heard, had lately arrived from Alexandria, laden with cotton, which had been admitted immediately to pratique. He knew that these ships had clean bills of health. By the former practice, ships with foul bills of health were obliged to remain forty days in quarantine, and those with clean bills, twenty-one days: by the system now to be adopted, ships with foul bills of health, were to remain only fifteen days in quarantine, while those which had clean bills of health might be admitted immediately to pratique. This he thought was a delicate and important subject, and required that all the information possible should be laid before their lordships. He would, therefore, move, for copies of the report made to the House of Commons by the committee, and also the number of vessels, with their names, which have arrived from Alexandria, and been immediately admitted to pratique; as well as the orders in council for so admitting them.

The Earl of *Liverpool* said, that the alteration which had been suggested, after a full consideration, was not to do away the Quarantine laws; but, by some new regulations on the old system, to relax the severity of those laws. It was the opinion of persons the best qualified to form an opinion, that these laws were not necessary in all their rigour, to preserve the health of the people; and that they were very inconvenient and injurious to the trading interests of this country. He had no objection to the production of the documents moved for by the noble lord, but their lordships would have an opportunity of fully discussing the question, when the bill on the subject came from the other House.

Lord *Holland* was ready to admit, that, if any abuse existed, derived from the Quarantine laws, it ought to be remedied. But he hoped their lordships would recollect, that the plague frequently devastated every country in Europe, before the present system of Quarantine was generally established; and that since the Quarantine laws had been in existence, its return had been comparatively rare. It was the case not only with England, but with every country in Europe; and he hoped their lordships would consider the delicate and important subject with the fullest attention, and not hastily sanction any departure from the present system.

HOUSE OF COMMONS.

Tuesday, April 19.

ROMAN CATHOLIC CLAIMS—PETITIONS FOR AND AGAINST.] Numerous petitions were presented both for and against the claims of the Roman Catholics. Mr. Hart Davis having presented a petition from the clergy of Bristol against those claims,

Mr. *Leycester* avowed it as his opinion, that the persons who had so strongly expressed sentiments hostile to any further concession to the Catholics, had done so in profound ignorance of the subject, and labouring under great mistakes as to the religious belief of the Roman Catholics. His own errors on the subject were of the same description, until the investigation of the committee on Irish affairs had thrown a new light upon the question. Until that information had been communicated, he had believed, that all those monstrous mummeries, so long attributed to the Popish faith, were articles of faith with all Roman Catholics. That was now entirely denied. But all denial was useless; the opinions which the Catholics entertained centuries ago were supposed by the petitioners against their claims to be the opinions which they still cherished. Their cry was—

> "Delicta majorum immeritus lues,
> Romane."

Mr. *Bright* denied that the opinions of the petitioners had been formed in the ignorance attributed to them by the hon. gentleman. The petitioners had read—what the hon. gentleman seemed to have neglected, the history of this country and the Christian world. In that history they had seen the real character of Catholicism. Could the Protestant people of this country forget the times that were past? When had the Catholics shown themselves favourable to the religious and civil liberties of the people of England? Never. And as to intolerance, let the House observe on which side it lay. Whenever a petition was presented unfavourable to the Catholic Claims, with what accuracy was it not criticised, with what scorn was it not treated? Let the House look back to what had taken place on the continent but a few years after the peace. Let them recollect the motion made in the year 1815, by a learned and lamented individual, sir S. Romilly, with respect to the prosecution of the Protestants at Nismes. Did not that event show that persecution was the essence of popery, whenever popery was restored to power? If the hon. gentleman who had just spoken had looked to general history, instead of the ex-parte examination of individuals before the committee on Irish affairs, he would have arrived at a very different conclusion. He disclaimed all disposition to stir up religious animosities; but, when he was incited by such statements as those which had fallen from the hon. gentleman, he felt the necessity of standing forward, and declaring his opinion of the unchanged character of the religion of Rome.

Mr. *A. Smith* presented a petition from Portsmouth and Portsea, against further concessions to the Catholics.

Mr. *Carter* begged to say a few words as to the mode in which this petition was produced, in order to show that the declaration that these anti-Catholic petitions generally spoke the sense of the country was unfounded. In the original advertisement to call together a meeting for the purpose of framing this petition, the mayor of Portsmouth had introduced an expression intimating that the meeting was for the purpose of "discussing" the question. As the day of meeting, however, approached, discussion was thought to be dangerous to the cause of anti-Catholicism; and an attempt was made to prevent the meeting. It took place, however, and a counter resolution was carried, expressive of the sense of the meeting, and, he firmly believed, the sense of the great majority of the population of the country, that it was inexpedient to express any opinion on the subject; and that it might be safely left to the wisdom of the legislature.

Mr. *A. Smith* observed, that the petition was most numerously and respectably signed.

Colonel *Johnson* rose, to present a petition from a Roman Catholic gentleman of the name of Newton, residing in the county of Lincoln, against the pending bill for the relief of the Roman Catholics. The petitioner begged to represent, that if such a bill should pass into a law, it would not materially benefit the condition of the Roman Catholics, at the same time that it would certainly be most degrading to them as a body. The hon. gentleman took that opportunity of declaring, that were he himself a Roman Catholic, he certainly could not take the oath to be enjoined by the bill in question.

Sir *Robert Heron*, in presenting two petitions in favour of the bill, complained of the manner in which a petition from Grantham had been got up, that was presented on Friday. That petition did not at all represent the sense of the inhabitants of the town.

Mr. *Brougham* begged to thank his hon.

friend for the light he had thrown upon the mode in which some of the petitions against the bill had been got up; and he himself was able, not only to bear out the hon. baronet's statement, as to the very pretty manner in which the petition alluded to had been manufactured, but to add one or two facts, that might show the Christian spirit and wisdom that must have prevailed over some of the subscribers to it, and have induced that expression of extreme anxiety for the welfare of the Established Church, and dread of the direful effects of relief to the Roman Catholics, which the petition set forth. Now, as to Grantham and its soke, that district contained about 14 parishes, and a population of 10,000 persons. The meeting at which the petition in question had been agreed to was composed of twenty-nine persons. It was got up rather in the manner of a Scotch than of an English meeting. Twenty-nine persons were the small per centage who were found on that occasion to attend, in order to testify the serious apprehensions that the petition intended to express. With respect to the petition itself, it should be observed, that it was signed by 439 persons, 242 of whom, or above half, stood in this situation—(and he was now speaking upon the information of a most respectable individual whom he knew and could rely on)—15 of them were clergymen; but as for the rest, they were the very reverse of clergymen; for no less than 198 of these petitioners, who had weighed so maturely the great interests of the Catholic question, and who, according to the petition, had carried their minds back to the earlier pages of our history, and had considered the character of the Roman Catholic religion in past ages (and all this they must have heard in speeches, and not have learned in books, with which, of necessity, they could have been but little occupied), 198 of them could not write [hear, hear]; or at least the whole of that number—perhaps, indeed, for the sake of conciseness—signed their names with a cross. They were marksmen, who preferred this mode of subscription by a cross, in order to manifest at once their love of conciseness and their hatred of the Catholic religion. Four others were, perhaps, not so much to blame for the mode they had resorted to of expressing their opinions; because it happened, in respect of them, that they had not properly exercised beforehand the faculties that nature had given to them. In short, they were convicts [a laugh]—he begged pardon of the House, he should more correctly say, that two of the four were convicts, the other two were keepers of brothels. Perhaps the latter two had been induced, from a religious horror of the rival trade of the lady of Babylon, to protest that they could not bear any other religion but their own. Many of the other petitioners had been previously in the receipt of parochial relief.

Sir *M. Cholmeley* was here about to address the chair, but was called to order.

Mr. *Brougham* resumed. He had his information from a party of whose accuracy he had no doubt, and who could not be mistaken. He understood that every one of these 198 persons [a cry of "No"]—perhaps the hon. baronet knew them all, and could distinctly state whether such was the fact or not—every one of them had made his cross. Possible it was that they could write; but, at any rate, they had not chosen to favour the House with a specimen of their penmanship. Surely the hon. baronet knew as well as he did what a marksman was; and thus, therefore, he must allow, that as marksmen 198 of these petitioners were disposed of. In respect of the other four, he dared to say that the hon. baronet could give his negative evidence, at least to the character of those two housekeepers whom he had before named; if not, it did not follow that other gentlemen might not have been in their houses, and be able to speak more directly to the matter. Altogether there were in this way 242 out of the 439 petitioners' names accounted for; leaving a per centage of somewhat less that 5 per cent as upon the whole population, whose sentiments this petition affected to represent.

Sir *Montague Cholmeley* said, that he knew of no such proceedings, in the manufacture of the petitions in question, as had been just stated. He could only say for himself, that he had never entered a house of the description mentioned by the hon. and learned gentleman [a laugh]. He was very sure that the attack which had been made by the hon. and learned gentleman and the hon. baronet was most unjust as to the petitioners, and most unfair in the absence of the hon. member who had presented their petition. For his own part, he was rather warm at present; and, though he felt disposed to speak upon the subject of the Catholic claims, he considered that he was too much excited to address himself to it with all that calmness which so important a question demanded.

Lord *Nugent* said, he had received similar information to that which his hon. and learned friend had submitted to the House, from a person of high respectability, whose name, he was sure, must be well known to the hon. baronet ["name, name!"]. He was not authorized to declare who the individual was; but he would communicate his name with pleasure to the hon. baronet.

Mr. *Brougham* said, that in his information the 198 persons who had signed with a cross were marked "illiterate;" by which he conceived he was to understand, either that they could not write their names, and had therefore put a cross, or that some person had signed for a great number of others.

Mr. Secretary *Peel* said, he had been surprised when he heard the statements made by hon. gentlemen on the other side, and, conceiving that they must have gone upon information on which they could rely, he had felt it necessary to send for the petition itself. That petition he held in his hand; and, after strict examination, he could find no more than one name to which a cross was affixed [hear, hear!].

Sir *R. Heron* said, it was not his intention to make any observation upon the nature of the signatures, nor the manner in which they had been obtained, as he did not know whether the parties had signed themselves, or had procured others to sign for them. This, however, he could say, that be it as it might, it was never dreamt of to impute the slightest blame to the hon. member who presented the petition, or those who supported it.

The original petition, presented on Friday last, having been handed over the table by the clerk, to Mr. Brougham and lord Nugent, the latter quitted the House for a few moments. On his return,

Lord *Nugent* said, he wished to take that opportunity of explaining to the House an error into which he had been led with respect to the petition. Having heard what had been stated, he had felt it his duty to apply to the party for information, and he found that it was totally incorrect. He regretted that he had led the House astray upon such information.

Mr. *Brougham* said, it had been originally his intention to look into a petition, described as having been signed in such an extraordinary manner, but other avocations had prevented him from doing so. Having said thus much, he had only to add, that he should in future use more caution in receiving information from a quarter upon which he had hitherto relied; as the gentleman was not only a supporter but a member of the Catholic body, yet even there he should receive his information with that grain of allowance and caution which the experience of that night had taught him. He had looked over the petition, and it certainly contained no more than one name to which a cross was affixed. There were, indeed, perhaps forty names, in all, subscribed by one and the same hand; but, upon the whole, the names said to be signed by crosses were as good specimens of average penmanship as were usually found in petitions of this nature.

Mr. Secretary *Peel* said, he had several petitions to present against this bill, all of which had been forwarded to him under the circumstances he had mentioned on the preceding evening. One of these he begged particularly to call the attention of the House to. It was from the ministers, elders, and provincial synod of Glasgow, and was signed by Mr. M'Farlane, their moderator; and a written claim had been transmitted by that gentleman to have this petition considered, not as that of the individuals by whom it was so signed, but as that of a part of the established church of Scotland. Now, he was not exactly certain whether the House could, in point of form, receive this petition with this single signature, though he found a similar one entered as received upon their Journals in 1813. Perhaps the House made a distinction between corporate bodies having seals, and corporate bodies, like that from which the petition in his hand professed to emanate, having no seal.

The *Speaker* thought the safer course would be, to be governed by the precedent on their Journals, upon the understanding, that though this corporation did not possess, like either of the universities, a common seal, their petition was to be received as the petition of a corporation, but of a corporation having no seal.

Mr. *Wynn* coincided in the opinion of the Speaker.

Mr. *J. P. Grant* stated, that, to render the petition fit to be received by the House, it was not necessary that the body presenting it should possess a seal. Many of the corporations of Scotland, particularly the ecclesiastical corporations, had no seal.

Mr. *W. Smith* said, he did not object to the exercise of the right of petition on the part of any of those individuals who had thought proper to address the House on this occasion, whether Dissenters or others, whatever their opinions might be. Neither did he object to any thing they had done, in order to show their feelings with reference to the Catholic question. It certainly did, however, happen yesterday, that his learned friend (Mr. Brougham) was so far mistaken, as to attribute to the Protestant dissenters a strong feeling against the bill for the relief of the Roman Catholics. Now, he believed, that up to yesterday, not more than nine or ten petitions from Protestant dissenters had been presented. He had that morning looked over an alphabetical list of 2,000 congregations in England; and amongst those he could find but five or six congregations that had appeared before the House. Gentlemen might easily calculate how small a proportion this number bore to the general mass of Protestant dissenters. He held in his hand a list (comprising the period from the year 1732 down to the present time) of Protestant dissenters, properly so called. These were divided into three classes—Presbyterians, Independents, and Baptists. When they agreed on any public act, that act was performed by a number deputed from the general body. In that list he found ninety-seven congregations. He had dissected the list of petitions as well as the time would allow him, and he could discover no more than five which came from persons who could be said to belong to the sects he had mentioned. There were a great number of persons who belonged to the class of Methodists (which was chiefly divided into the Whitfieldite and Wesleyan connexion), who were sometimes confounded with the Protestant dissenters, but did not in reality belong to them. He meant to cast no reflection on those parties. He merely wished to put every gentleman on his guard, lest he should be led to suppose that, because twenty petitions, emanating from this heterogeneous mixture, had been presented against the Catholic Claims, that therefore the great body of Protestant dissenters were opposed to them. They had, in fact, expressed no opinion about it. He would maintain, that not one in a hundred of the Protestant dissenting congregations in England had given any opinion at all upon this question. He believed the feeling of the Protestant dissenters throughout the country, was, to leave the subject to be dealt with as parliament in its wisdom should think fit. Speaking of them as a body, he believed they were desirous that justice should be done to the Roman Catholics. He should be sorry if the suspicion which appeared to have entered the minds of some gentlemen near him, as to the feelings of the Protestant dissenters, was in any degree well-founded. It would give him much pain, if the body of which he was speaking stood forward as the foes of religious liberty in its widest extent. If they came forward and demanded that the claims of the Catholics should be refused, he should be both surprised and grieved. The Protestant dissenters were not so bound together as to have amongst them but one opinion. They, of course, had their own opinions on political matters. They were tied up to no one common opinion, except that which was connected with the religion they professed. They maintained most liberal opinions in politics; and he knew no shorter or better mode of expressing their feelings, than by quoting the rule of their conduct; namely, that of doing unto others as they wished others to do unto them. This, the best of all possible maxims, was their motto, and he believed they were most anxious to act up to it.

Mr. *Spring Rice* said, he held in his hand a declaration in favour of the Catholic Claims, which had emanated from a most respectable body of the Protestant dissenters of Ireland. The Presbyterians of the north of Ireland were as ready as any set of men to admit the claims which the Catholics had on the justice of that House. They were as liberal a body of men as any in the empire. He said this, because an idea had gone forth, and was, indeed, embodied in the evidence given relative to the state of Ireland, that the Presbyterians of the north of Ireland had become more than ever adverse to the claims of the Catholics. He had that day, in contradiction to that assertion, to lay before the House a statement (for the parties had not time to put it in the shape of a petition) from the ministers and elders of the Presbyterian profession in the county of Down and Belfast, to which they requested him to call the attention of parliament. Those individuals said, that, so far from being adverse to the Catholic Claims, if the Presbyterians declared themselves hostile to civil and religious liberty, they would belie the principles of the church to which they belonged. On all occasions they had declared their opinions in favour of that liberality which became them as followers of the Christian faith. In 1812, no less than 139 members of the synod of Ulster had called on the House to do away with all civil disabilities on account of religious opinions. The individuals whose sentiments he was now speaking, begged of him to state, that any person acting as moderator could express nothing more than his own opinion. If he assumed a representative capacity, he passed the line and boundary of his office; since he had a right only to act in his individual capacity. The parties stated that, as the cause of Catholic emancipation was gaining ground in the north, they wished, both in justice to the Dissenters and to the Catholics, to record these their opinions. If a general declaration on the subject had been necessary, they could have procured thousands of respectable signatures to it; and they stated, that they never felt greater chagrin than they did on the publication of the evidence, in which the Protestant dissenters were described as entertaining hostility against the Roman Catholics. He should certainly think very ill of any of that class, who, having a monopoly of toleration, endeavoured to prevent others from enjoying those benefits which they themselves possessed.

Mr. *Scarlett* said, that the petition which he rose to present, in favour of the bill for removing the disabilities under which the Roman Catholics laboured, was signed by 163 individuals; and he believed that a greater mass of intelligence than was to be found amongst the petitioners could not be met with amongst those who affixed their names to many other petitions, though the number of signatures might be ten times as great. There were not 163 gentlemen in that House, or out of it, who could form a more competent judgment on the subject of this petition than those individuals to whose sentiments he begged leave to call the attention of the House. No body of men were better fitted to give an opinion on this momentous question, uninfluenced by any of those motives which might be supposed to attach themselves to other petitions which had been presented on this subject, than the gentlemen whose petition he then held in his hand. It was the petition of a number of sergeants and barristers at law, of that part of the united kingdom called England; and, as it was very short, he would take the liberty of reading it. [The learned gentleman here read the petition, which briefly prayed, that the civil disabilities which affected his majesty's Roman Catholic subjects should be forthwith removed.] This petition, he observed, was signed by 163 gentlemen of the description he had mentioned; but the House must by no means conclude, that the whole number of the individuals at the bar of England who were favourable to Catholic emancipation, was comprised in those signatures. He could speak from his own observation, of individuals of high character, and of profound knowledge, who, concurring entirely in the prayer of this petition, had nevertheless, from a dislike to affix their names to it, lest the petition might be supposed to come from the bar of England as a body, declined signing the document. They, however, desired most anxiously, that the House should sanction the measure now in progress. If this petition was worthy of consideration, on account of the respectability of the gentlemen who had signed it, he would ask, were there not other circumstances which ought more especially to direct the attention of the House towards those petitioners? He would say, that if there were any body of men, to whom, more than to any others, it was beneficial to exclude as much as possible all competitors from their honours, emoluments, and dignities, that body was the bar of England. Another circumstance to which he would call the attention of the House was this—that the gentlemen signing this petition, as well as many others professing sentiments favourable to Catholic emancipation, knew perfectly well, that an avowal of those sentiments was not now, and had not been for some years back, the most ready road to preferment. It was not necessary to allude to facts which were matter of history; but perhaps it would be found, that the best mode which a barrister of intelligence could take, for the purpose of securing honours, was to become an apostate from those principles of liberality and tolerance which he might have professed at a former period of his life. The House, he thought, would agree with him when he said, that those who, under such circumstances, had the courage to sign this petition, deserved all the attention which any number of gentlemen could receive in approaching parliament with their sentiments. The petitioners were possessed of knowledge, information, and intelligence, and certainly they had a right to expect that the legislature would pay due attention to their opinions. He could not conclude without expressing the high sense which he entertained of the honour conferred on him by intrusting such a petition to his hands. He felt it deeply and sensibly. He was not apprised of the existence of the petition until lately. It was not signed by any member of that House; and could not therefore be traced to the influence of any gentleman who had a seat there. He believed there never was a time when a larger number of gentlemen, highly educated, possessing greater knowledge, more indefatigable zeal, or more unbending integrity, could be found at the bar than at the present moment. He knew it was asserted, and that too, in a high quarter, that the bar was deficient in talent; that it was not now so fruitful in ability as it formerly was. He unfortunately was growing old amongst that body; but, he would say, that for learning and ability, the bar of the present day might enter into competition with the bar of former times. Anciently there were but a few men of learning at the bar, and that learning was chiefly confined to their own profession; but he would assert, that for general information, and for extent and variety of knowledge, there never was such a body of men at the bar as those who now supported its character.

Mr. *Brougham* observed, that he should not discharge his duty to that illustrious body, the professors of the law, whose importance to the constitution, to the preservation of the rights of the subject, and to the stability of the government, as well as to the due administration of justice, was undoubted, if he did not join his testimony to the clear and forcible statement of his learned friend. With regard to the petition itself, he wished to add one or two particulars, in his view, of some moment. His learned friend had justly observed, that it was set on foot and signed, before it was known to him, and to those who might be termed the leaders at the bar, that such a project was entertained. Afterwards it had been adopted by others of more distinguished rank, or of greater standing, though certainly not of greater learning or ability, than those who, in the first instance, had affixed their signatures. No member of that House had either signed it, or taken part in its preparation; and it did not contain the names of any of the Roman Catholic members of the profession. He begged leave most distinctly to add his evidence to the assertion of his learned friend, that the House would form a most inadequate estimate of the numbers of the members of the bar who were in favour of the petition, if it judged merely from the number of the signatures. The northern circuit consisted of about ninety members; it might be termed a floating body of from ninety to a hundred members; upwards of fifty of these barristers had signed the petition, and from his own personal knowledge, he would assert, that thirty-four or thirty-five of the remainder had expressed their warm concurrence in the object of the petition, but at the same time had objected to sign it, because they entertained some scruple, how far it was fit for the bar, as a body, to petition the legislature. Out of the whole circuit, he believed he might say, that there were not half a dozen, and certainly not twelve, members of it, who held opinions adverse to the claims of the Catholics. He entertained the highest respect for the circuit of which he was an unworthy member, and had no reason to think, that opinions favourable to emancipation were more prevalent upon that than upon other circuits. He therefore called upon the House to observe the prodigious majority on behalf of concession. The same observation could not have been truly made even ten or twelve years ago. When Mr. Fox brought forward the question in 1805, seconded by Mr. Grattan, the majority was the other way, and disposed to combine against the Catholic Claims. Now, however, a great and salutary change had occurred; and the opinion of the English bar might fairly be taken as an exponent of the sentiments of the enlightened portion of the community. Not more than six in the hundred, or about one-twentieth part of the whole bar, objected to the grant of what the Catholics so justly required. Those who cast their eyes over the petition would observe, that the signatures were not those of men of one religious or political persuasion—Churchmen and Dissenters, Whigs and Tories, the enemies and the friends of the minister of the day, joined in one prayer; namely, that disabilities, on account of religious opinions, should be immediately removed.

Lord *Nugent* moved for leave to bring up the petition of the Roman Catholics of Great Britain, a most considerable, exemplary, and deeply aggrieved portion of the community; considerable in number and station, exemplary in character and conduct, and deeply aggrieved, by being shut out from many of the most valuable privileges, which both by right of birth and title they ought to enjoy. They approached the House on the present occasion with renewed, and he did not disguise it, with most sanguine hopes of success—hopes founded on the justice of their claim, and on the increased prevalence of liberal and enlightened principles—hopes also increased and confirmed by the progress of the bill upon the table, placed as it was in the hands of the one man in this country, whom, in his conscience, he believed best qualified to carry it through the House [hear, hear!]. The Catholics of Great Britain felt, that the cause of humanity, justice, and liberality must be advanced under his auspices: the sincerity, the energy and ability of his proceedings could only be equalled by the spirit of moderation and forbearance to which it was known he had made most important sacrifices [hear, hear!]. Whatever might be the result of the bill this year, it must triumph ere long: he said this year, because he agreed with those who said, that the opposition to it was reduced to a mere calculation, whether for one, two, or three more sessions it might still be possible to protract the expiring life of this extensive and hazardous injustice. Whatever, therefore, he repeated, might be the result this year, the hon. baronet (sir F. Burdett) might enjoy the proud satisfaction of knowing how much he had contributed to advance the cause of Catholic Emancipation. He had advanced it, he believed, in the opinion even of a majority of the House, not by any compromise of his own feelings or principles, but by raising the popular sentiment upon this question a little nearer to the level of his own virtue [hear!]. The petition he had to offer was signed by upwards of 32,000 persons, but he did not state the number for the sake of any impression to be made by it; because it was easy to conceive that, out of the gross amount of the Catholic population of Great Britain, exceeding 200,000, the mere circumstance, that a few thousands more or less had signed the petition, was not of much importance, when the whole body was united in one common hope and solicitation. Neither did he feel it necessary to advert to the illustrious names usually standing first on the petition; but he mentioned the facts only to shew, that, under all the circumstances of the affairs of Ireland, under all the appeals, not, he thought, to the best feelings of the Protestant population of this country, the petitioners had not been deterred, by any consideration unworthy of themselves, from doing what they consider justice, not only to themselves, but to their suffering brethren of the sister island. Upon this subject he would not for the world be misunderstood, or run the slightest risk of misrepresentation.—The petitioners of Great Britain joined their eager prayer to that of the petitioners of Ireland, and they held their cause inseparable. High as were the personal and hereditary claims of the duke of Norfolk; forcible as were the appeals of the ancient aristocracy of this country, and just as were the demands of 200,000 Catholics to be relieved from disabilities, they would be weak and worthless, compared with the rights of a whole nation, from many individuals of which the House, to its shame, had year after year received petitions. The right hon. the Secretary of State for the Home Department had said from the first day of the debate on the subject matter of the present bill, that he should be ready to rest his vote upon this question on the articles of the treaty of Limerick. Perhaps, before the conclusion of the debate the House might hear the articles of that treaty discussed by the hon. member for Westminster; they might hear the case discussed upon that very point. They might hear the question argued, not on the narrow and partial view of the case, said to be made by the Catholics themselves, but the broad principles of the law—on the letter of the statute of the 9th William 3rd;—of that statute, known as the act passed in confirmation of the treaty of Limerick. If the conduct of the Irish people, and of the English parliament, could be reviewed from the time of the infraction of that treaty almost to the present moment, he was afraid, the House would appear no better than faithless debtors—than men, whose conduct had been as little directed by moral justice as by political wisdom. He had not the folly or the madness to insult the petitioners by defending them against the general imputations which some persons might think proper to cast out against them. He wished, on behalf of these petitioners, that the House would believe, not merely from the evidence of one witness, but from the whole body of proof now before them, that the despair at times exhibited by the Irish people—the tone sometimes maintained by that Association which was now put down—nay, even that the very existence of that Association itself, might be dated from the rejection of that very important measure which had been proposed, in order to place English, Scottish, and Irish Catholics upon the same footing. The Irish Catholics had never considered their cause as Catholics, distinctly and separately from that of England, or from that of universal religious liberty. They had always felt that religious liberty ought to be extended to all the subjects of the empire alike; and differing in this from those who had this night presented petitions against them, they prayed that all others who, like themselves, were suffering disabilites under unwise and unjust laws, should be freed from those disabilities. They prayed, too, on their own account, that they might be relieved from oaths which were at least needless; since by them the political integrity of the Catholics could not be ascertained; from oaths which had been imposed as the consequence of a plot that no man of common sense and honesty did not attribute more to political faction than to religious frenzy. One of the oaths which a Catholic was required to take, in order to free himself from the disabilities under which he now laboured, was an oath against transubstantiation—against that very doctrine which one of the greatest sovereigns, queen Elizabeth, would not suffer to be questioned, and which Henry 8th, going still further, had actually burnt people for denying. All the questions, however, resolved themselves into this—Did the Catholics admit the right of foreign interference by any power whatever? The answer to this was too evident to admit of doubt. No one could believe that the Catholics would acknowledge the political supremacy of any foreign power at the present time, whatever they might have been inclined to do in former ages. Did the duke of Norfolk, that illustrious descendant of so many noble families, feel no higher duty—did he acknowledge no clearer interest as a public man, or as a private individual—than to be the mere English agent of a foreign power? But, he was prepared to deny that the English Catholics had ever been the willing slaves of foreign powers. If hon. members were willing to go back to remote periods of history, he was equally willing to meet them; and he was prepared to shew, that from the time of Magna Charta downwards, through the statutes of mortmain and præmunire, when the people were engaged in a contest with the church, which was then Catholic, no instance could be found, in which the interference of the pope had been even for a moment allowed [hear!]. He had lately heard it said, that it was in the contemplation of the Catholic powers of Europe to restore the order of the Jesuits, and that the intended re-establishment of that order met with the sanction of the pope. That statement had been advanced as an additional reason why the Catholics of this kingdom were not to be relieved from their disabilities. Now, though he was as unfriendly as any man could be to the re-establishment of an order which, in his opinion, had always done its utmost in support of absolute power, yet he could not admit the force of the argument to which he had alluded, for he denied the statement, that the order of the Jesuits was to be re-established in Ireland, under the sanction of the Papal government. On the contrary, the fact was, that the pope had uniformly refused to permit the re-establishment of that order. The union between the Catholic priesthood and people had sometimes been objected to; he besought the House to take the shortest mode to dissolve it. Let them give the laity the means of representing the interests of the people—let them thus unite the laity and the people together, and by passing the bill to-night, destroy that influence of the priesthood which they affected so much to dread. He was sure that when a few years had elapsed after the bill now about to come before the House should have been passed (and that it would be passed he confidently hoped), men would look back with wonder that it had been so long delayed. There was no man living who would now propose the enactment of such laws as were in existence; and he did not believe there was any man in the House who could lay his hand upon his heart and say, that their continuance was now necessary. He would read an extract from a letter written by one who was an Irishman, and who had been a Catholic, but who afterwards abandoned and betrayed his country and his faith: he meant Dr. Duigenan. In writing to Mr. Grattan in 1797, and advocating the Union, he said, "If we were one people, the preponderance of the Protestant interest would be so great, that there would be no necessity for the continuance of any restrictions on the Catholics;" and yet, to the hour of his death, that person who had thus offered an unanswerable argument in favour of the Catholics, persisted in excluding them. The effect of that exclusion was obviously as impolitic as it was unjust; for it accumulated the motives which the Catholics felt to adhere to their faith. It was impossible that any man of honour could abandon a claim which he felt was just, and for his pretension to which he was invidiously deprived of rights to which, as a member of the community, he was entitled. At this moment a very large body of men would receive as a boon that which he demanded for them on grounds of political justice; but, if there were only one man who for conscience sake was subject to these unwise and unjust laws, he would, with undiminished zeal and earnestness, claim for that man, as he did now for millions, the relief to which he would be entitled. He recommended to the serious attention of the House, the petition which he now presented, and reminded them, that by granting the prayer of it they would benefit themselves, at the same time that they did justice to more than six millions of their fellow-subjects.

Mr. *John Smith* feared it was not generally known of what materials the body of the British Catholics was composed. He could assure the House, that for moral conduct, for integrity of principle, for property and industry, they were not exceeded by any body of men in the kingdom—excepting, perhaps, only the Quakers, with whom he believed no sect could be put in competition. The question was, whether the House would be justified in preventing such men as he had described, from enjoying those rights which were freely possessed by all their fellow subjects.

Mr. *Robertson* said, the House were already aware of his sentiments upon this subject. He had before stated, that he considered every concession ought to be made to the Irish Catholics, and he had given his reasons for saying, that their claim to equality of rights ought to be admitted. He could not, however, help saying, that he looked upon the present petitioners in a very different manner. He had a great respect for the Catholics of Ireland, but he felt somewhat differently toward the Catholics of England and Scotland; at least in a political point of view. He would give the Irish Catholics the emancipation they required; but he should feel it necessary to move, that a clause be inserted in the bill, declaring that no Catholic member should sit for any county, city or Borough in Great Britain [a laugh].

Mr. *Coke* said, he had to present a petition in favour of the Catholic claims from the archdeaconry of Norwich, and seventy clergymen of that diocese. He should be extremely happy if he should be able to congratulate that great and good man, the present bishop of Norwich, on the success of the measure, which that right reverend prelate had so long and so ably advocated. The petitioners would not have intruded themselves upon the notice of the House, but that they saw some of their clerical brethren using every exertion to get up petitions against the claims of the Catholics. The exertions of the persons to whom he alluded had not been suspended even in Passion Week; and on Good Friday—perhaps they thought the better day the better deed—they had been peculiarly active. Under these circumstances, the petitioners had felt it their duty to come forward. He should not now say more than confirm what had been stated by the hon. member for Norwich; namely, that the Dissenters of Norfolk entertained the most sincere wishes for the extension of civil and religious liberty to all classes of their fellow subjects. He could not better express the opinions of the petitioners than by reading a part of the prayer of their petition: "As ministers of the church of England, we are not behind any of our brethren in attachment to that church, and in anxious regard for its prosperity and welfare; but we consider its true strength to consist in the purity and excellence of its doctrines, rather than in any restraint imposed upon those who may differ from them." A petition founded on such a spirit of toleration offered a worthy example for all the ministers of the established church to follow.

Colonel *Wodehouse* bore testimony to the extreme respectability of the petitioners. He knew no persons of more honourable or unexceptionable character. When these petitions were first introduced into parliament, they had been treated by some members with an asperity that was quite disgraceful, and which did not accord with the frame and temper of mind of those who sincerely professed the Protestant form of worship. It was, however, impossible for any words to convey a greater propriety of sentiment, than those of this petition. With every word of this petition he heartily concurred.

Lord *Milton* took that opportunity of adding his thanks to those of the hon. gentleman, for the sentiments contained in this petition. It had been too much the practice of those who advocated the pre-eminence of the Protestant religion, instead of founding it upon its own high grounds, to endeavour to establish a system of exclusion which was degrading to its purity and dignity. Friend as he was to Catholic emancipation, he was not blind to the corruptions of the Catholic church. He thought that those clerical petitioners had a very unbecoming sense of the excellence of the religion they professed, who, instead of leaving its defence and protection to its own excellence, and to the piety and learning of its ministry, called in the assistance of the strong arm of the law, and would punish all who dissented from its doctrines, by depriving them of political advantages. The law as it stood at present had this operation, and degraded the church of England, by making it a pretence for persecuting other sects. The word "persecution," might sound ill in the ears of some gentlemen, but what less than persecution was it, to deprive men of those political rights to which, as citizens, they were entitled, on no other ground than that of religious dissent?

The several petitions were ordered to lie on the table.

Roman Catholic Relief Bill.] Sir Francis Burdett moved the order of the day for the second reading of this bill.

Mr. *Brownlow* said:—I rise on this important question at a crisis as eventful, as any which has ever yet balanced the fate of Ireland, with, I hope the feelings of seriousness that should attend a man presuming to bear a part in so momentous a discussion, and with an anxiety, as far as it is possible for an Irishman to feel it, to treat this subject on its own peculiar merits, divested of past recollections, and the soreness resulting from them which must be common not only to me, but to all of both parties who have ever engaged in this painful conflict. It is a sentiment which I hear almost universally expressed in private, and which I trust I shall not hear this evening less strongly marked on responsibility in public—that circumstanced as we are in Ireland, we cannot remain—that life is miserable in that country—that the two great parties are little removed from a state of actual conflict—that no effect can be given to the opening prospects of improvement for Ireland—that according to the natural growth and tendency of things, few Irishmen can pronounce the connexion of their country with England to be secure, and few Englishmen I fear can pronounce it to be desirable—therefore something or other must be done. What will you do? Will you go back? Will you re-enact the penal code? there is one short answer to this which is as good as a thousand—you cannot do it—since therefore, you cannot go back, and since to remain as you are, no man in his senses is content; what remains but to go forward fully and speedily on the principle of concession?—all are worn out with this unprofitable conflict; victory has brought with it no cessation of hostilities—the baffled party still presses forward, and triumph in its turn comes to all but to the country; therefore, I say, give us some comprehensive settlement—some measure of tranquillity for that distracted country, whose destinies are now collected within the compass of the evening on which we have entered. If I am asked, did I now appear clad in that old hostility, which has hitherto marked me for good or bad towards six millions of my countrymen, I answer cheerfully—and I feel the lighter for the confession—by no means—quite the contrary, the grounds on which I formerly professed to stand are gone—many of the arguments which I have been in the habit of using and hearing used on this occasion, are taken away—those that remain are weakened—and in common sense, justice and consistency, what remains of a man whose arguments are gone but to reconsider his conclusions—and what atonement more reasonable or more due, than finding he has adopted an erroneous opinion to say so and to abjure it. I know how much a change of opinion affords ground of ridicule, and ground of suspicion, and almost every ground but a charitable presumption in favor of sincerity—and therefore I do not rise so much in the hope of explaining myself, as for the purpose of earnestly praying—that many who like myself have looked at this subject apart from inquiry, and apart from dispassionate examination, misled by old alarms, and old prejudices—and I must say somewhat misled by the warning notes of the Catholics themselves—may, on coming to contend with the facts, be overcome by them—may, on examining the evidence, yield their understandings to it—I do hope that both parties when brought fairly into the clear view of each other, and to a clear apprehension of each other's opinions, may be seized with the compunction of brethren who have too long stood aloof, more on imaginary differences than substantial separation, and for the sake of their common country, its present peace and future welfare, may, with a common impulse, be prepared to give up the causes of its past embitterment. The Roman Catholic religion I will not presume to speak of as a form of belief, or mode of worship between man and his Maker. Judge not lest ye be judged; this is a great and a wise principle between differing religious communities, as well as between the members composing these communities; the Roman Catholic religion in the only view in which we are concerned with it, in its practical consequences as affecting the discharge of social duties,—as invalidating the duty of man to man,—as detracting from the allegiance which subjects owe to their king—as weakening the authority which governors should exercise over those beneath them.—The Roman Catholic religion in all these points is now free from objection; it is so because it has freed itself from the corruptions of the Roman Curia. The Roman Catholics of Ireland consider the pope the chief pastor of their church; they consider him the successor of St. Peter; but as such, they recognize in him a pure spiritual supremacy only, and nothing more. That power which sported with crowns—which placed kingdoms under interdict, which compelled emperors and kings to bend in slavish submission before it; that power, in Ireland as in the other countries of Europe, has been reduced to comparative insignificance. . . . .

Time has laid its hand on this institution, as well as on every other. The growing spirit of information throughout the world has found its way within the lofty ramparts of the church of Rome; and the colossal power which threatened minds and oppressed consciences, and scared mighty princes—no longer possesses the slightest temporal influence save within its own limited territory. This is not apart from the question. If it were true that British subjects gave only a divided allegiance to their king, if it were true that the king did not enjoy the full, perfect, and undivided allegiance of his subjects, as far as he is entitled to it in consequence of either his legal, civil, or political rights, then would I say that such subjects were still fit objects for exclusion, and, acknowledging a sovereignty superior to the sovereignty of the realm, that they could not complain of the law of that realm which refused to treat them as good and loyal subjects. But how stands this matter? If the information we have lately obtained be good for any thing, and if not, let us boldly say so, and give up the farce of inquiry, and admit that into the mystery of Irish affairs no light can ever penetrate. If high-minded, intellectual men, have not come over here to fill the ear and delude the understanding, and to lead us, through ignorance and error, into irretrievable ruin; or, in other words, and here I must make common cause with my countrymen—if Irishmen have not come over here to lie on a great and devilish scale—if the evidence of pious men be admissible—if the solemn oaths of Christian bishops be not regarded as a thing of nought—then is this part of the question up, and any man talking of the divided allegiance of Catholics in this country must be looked upon as wilfully ignorant, or incurably blind. I will read to the House an extract from the examination of Dr. Doyle:—"Question: If the pope were to intermeddle with the rights of the king, or with the allegiance which Catholics owe to the king, what would be the consequence so far as the Catholic clergy were concerned?—Answer: The consequence would be, that we should oppose him by every means in our power, even by the exercise of our spiritual authority.—Quetion: In what manner would you exercise that spiritual authority?—Answer: By preaching to the people that their duty to God as Catholics required of them to oppose every person who would interfere in any way with that right which the law of nature, and the positive law of God, established in their prince, a prince whom we, as subjects, were bound to support. We should therefore exercise our spiritual authority by preaching the gospel to the people, and by teaching them to oppose the pope if he interfered with the temporal rights of our king." Dr. Doyle would teach the people to oppose the pope. Surely there is not much of the papist here. What says Dr. Murray? The pope's authority is wholly confined to a spiritual authority, according to the words of our Saviour, "My kingdom is not of this world." So say several other prelates who have been examined upon the subject. All agree in protesting against the authority of the pope to interfere with the independence of this or any other state evils!

Has the pope a dispensing power? Why do I dwell on these grounds?—because they are still occupied as the strong holds of resistance to the Catholic petition. Has the pope a dispensing power? How is this ascertained? The question is put to Dr. Doyle, what authority has Gother amongst Roman Catholics? Dr. Doyle answers,—Gother is esteemed by us a very venerable writer, and perfectly orthodox in all that he has written. It is then read from Gother. "Cursed is he that believes there is authority in the pope, or any other, that can give leave to commit sins; or that can forgive him his sins for a sum of money." I affirm that doctrine, says Dr. Doyle: the other is a frightful and impious position, and most accursed is he that holds it.

Do the Roman Catholics seek to recover the confiscated property? I beg the House to observe how such an attempt would operate. The Catholics are persons very much engaged in commerce; they have also, within the last thirty years, entered very much into professions. They make money in commerce and professions. That money settles into land, and thus the landed interest of the Roman Catholics is increasing to a great extent. To the extent of the interest the Catholics have in the land, they are of course equally interested in preserving property with the Protestants: all lawyers consider, that no title is so good for the purchaser of a property, whether the person be Catholic or Protestant, as the title to confiscated property, for then the title is traced to a lawful origin; after the usurpation, all those who obtained forfeited property, took out patents for it, the patent is easily found, and a lawyer directs searches merely for the subsequent period.

Why, then, the case stands thus:—Roman Catholics are possessed of large confiscated estates — Roman Catholics have long and valuable leases on confiscated estates—Roman Catholics have lent considerable sums on mortgages of confiscated estates—and yet some people have the madness to say, that Roman Catholics will be parties to an attempt to restore these estates to the nameless and generally unknown descendants of the old proprietors. The thing is utterly impossible: no man in his senses can seriously think otherwise. Is faith not to be kept with heretics? Certainly the Catholics do hold that faith is not to be held with heretics—but in what sense? Why, Dr. Murray tells us, that the Roman Catholic code of faith is not the same as the Protestant code of faith; that is, that the Roman Catholics do not hold spiritual communion with us any more than we with them. In this sense only is faith not to be kept with heretics; but if by faith is understood fidelity to engagements—then are Roman Catholics bound to observe their oaths, their pledges, their contracts, as much with persons differing from them in religion as with persons agreeing with them in religion; and in the last sense Roman Catholics reject and detest as an unchristian and impious principle, that faith is not to be kept with heretics. The Rev. Mr. Burnett, a Protestant dissenting clergyman, thinks that some persons still imputes the doctrine to pure Catholics in its odious sense—but on being asked what was the most modern act of their not keeping faith with heretics, he could recollect no act of the kind subsequent to the persecution of the Waldenses, and the case of Huss. Why, then, the Roman Catholics hold no divided allegiance—they reject as impious and unchristian the doctrine that faith is not to be kept with heretics—they seek not the confiscated estates—they deny that the pope, or any one else, can give a power for the commission of sin. They have, therefore, in my mind, a fair claim to come into the enjoyment of civil privileges—you can state no bar against them—and if you cannot, they have a right to complain—and they will complain, as long as the law shall refuse to treat them on the footing of good subjects—things temporal with them are easily divisible from things spiritual—the man least in the habit of splitting differences may make the distinction—the coarsest understanding may perceive it—and no man but the most timid can be alarmed at the possibility of their confusion. That is the sum and substance of the whole dispute.

Do you object to Roman Catholics on the ground of their seven sacraments—their confession and transubstantiation—Such never was the policy of the law. We never have desired, under pain of penalties, to force the Catholics to abjure their religion and embrace our own, as superior to it; for, as the law now stands, provided a man will deny transubstantiation, he may be an Atheist, he may be a Deist, he may deny the atonement, he may worship the signs of the heavens or the creeping things of the earth, and yet he may come into participation with the legislature, and into offices of the highest trust in the kingdom; but the Catholic, your brother, your Christian brother, bought with the same price, acknowledging the same Saviour, bending before the same Creator, is branded with exclusion from all offices of trust and honour in the state—and yet you wonder that he is intemperate.

I will vote for the second reading of the bill. I by no means think it the best possible settlement of the affairs of Ireland. Taken alone, it appears to me to lack two measures, which all parties and persons consider proper parts of the arrangement. I mean a provision from the state for the Roman Catholic clergy, and an increased qualification for the exercise of the elective franchise in Ireland. No man has ever said that these two measures can go forward without Catholic emancipation. Any attempt at their enactment, unaccompanied by that great and righteous measure which must be the foundation of all other measures, would put Ireland in a flame; but accompanying emancipation, they will give satisfaction to every reflecting man in Ireland. In the hope, then, that Catholic emancipation will draw after it these two other measures, my hearty support shall be given to the hon. baronet's proposition, whilst I reserve to myself the full privilege of dealing with this bill on the third reading as may appear to me most meet on the occurrences in the interim. I will by no means support a provision for the Roman Catholic priesthood as a debt of gratitude due from the state to these meritorious conservators of the peace. Quite otherwise, for I cannot help thinking, that, considering the intimacy of the priesthood with their flocks, and the influence they exercise over their minds—less they could not well have done, and much more very easily for the good of the country they might have done; but if I understand the meaning of emancipation, it is this: to bring all classes of his majesty's subjects, without reference to their religion, into an intimate incorporation with the state. Why then will you exclude the clergy? Are they of less importance in your judgment than the laity, less influential, less educated, less regarded? Every man who knows Ireland knows the contrary, and therefore the poorest policy and meanest economy in this incorporation of the Irish people with the state, will be to leave the Catholic clergy excluded, possessed of undoubted influence to lead the people in any way they like, but possessed of no interest to lead them in the way they should go—in the way of allegiance and dutiful affection for the laws and the country. Give them a reasonable provision. Studiously beware of interfering with the independance of their religion. They will thank you for your consideration, and yield a becoming gratitude to the state which yields to them increased comfort and increased respect in the eyes of their people; and the people, for the substantial relief which by such a measure you will bring home to their doors—to the door of the poorest man in the country, will thank you and bless you, and serve you with fidelity so long as Irish gratitude shall be proverbial.

With respect to the elective franchise, my view is shortly this, and I will give more weight to my opinions by stating that I hold them in common with Mr. Blake, to whom so much is due for his admirable exposition of this subject. In 1793 you went wrong. A formidable species of political power, the elective franchise, was given to the Roman Catholics, subject to so small a qualification as to vest it in the very lowest orders, whilst at the same time that political power which is exercised through seats in parliament, was withheld from Roman Catholics of property and intelligence, and in whose exercise of power most confidence may be placed. Therefore, emancipation would not for the first time give political power to the Roman Catholics; they possess it, and who can say they do not exercise it;

but emancipation, accompanied with a higher qualification for the exercise of the franchise, will change the nature of the power intrusted to them. It will take away the power of electing from a dependant multitude, and it will give the capacity of being elected to station and to property. Who can say such a change is not desirable for Ireland? Let it not here be said that violence will be done to the freeholders of Ireland. They are not freeholders, but hold in right of vassalage. They act under the lash of the aristocrat, and under dread of the priest—whichever triumphs, the freedom of election sinks—whichever triumphs, the freeholder suffers; for either the landlord punishes him in time, or the priest threatens him with eternity. Amend this system then—and if such an amendment follows in the train of emancipation, increased tenfold in value will be this measure of justice, and policy, and expediency. Here, then, is your measure indicated to you, after long inquiry, by persons of the most conflicting opinions. Now is your time: how admirable is the state of Ireland for the introduction of it. The voice of party is quiet—scarcely has an individual opinion been breathed against it—nothing is heard but the stillness of suspense and anxiety to submit to the wisdom of parliament. Oh! seize these golden moments—neglect not such great salvation as now presents itself, and so at length will you give repose to Ireland, and increased stability to the whole empire.

Mr. *Bankes* said, that, objectionable as the measure was in its original state, it was ten times more so when accompanied by the two measures which had been just alluded to. The disfranchising the forty-shilling freeholders would be a most tyrannical exercise of power. From what fund was the provision for the clergy to be drawn? Ireland was not able to pay the interest of her own debt; it was therefore out of the revenues of Great Britain that these large stipends for the Catholic clergy were to be paid. And, while all the odium of the tithes would be thrown upon the Protestant clergy, the Catholic would be paid by the state. Allowing 600*l.* or 800*l.* a-year for each parish, as one priest was in general unequal to the duty, and there being 2,500 parishes, a little multiplication would show, that there would be a pretty large draft upon the consolidated fund. But the expense would not stop here. Mr. O'Connell had stated, that the priests ought to be paid twice or three times as much as they now received. Then they should have glebes and glebe-houses, and their seminaries should be more amply provided for. He trusted that parliament would not enter blindly upon such an expensive project. It was impossible that the people of this country could long bear the burthen which the payment of the Catholic clergy would impose upon them; and then it would be found necessary to have recourse to the tithes of the Protestant church in Ireland. As he thought, therefore, that nothing was likely to arise from the concession but anarchy and confusion, he would move as an amendment, "That the bill be read a second time on that day six months."

Mr. *William Peel* rose, to second the amendment. It had been urged, he said, that there was a change in the public mind on this question; but, if he might be allowed to judge of that fact from the opinions held in Staffordshire, the county with which he was more immediately connected, he should say, that the people of that county were as decidedly against granting further concessions to the Roman Catholics as ever they were. For himself, after listening to the arguments that had been adduced in its favour by men of the most splendid and most eloquent talents, he had no hesitation in saying that, so far from being converted, the longer he lived the more danger he saw in granting to the Catholics emancipation. But, even if he had been generally friendly to the cause of Catholic emancipation, he should consider the present time a most unfit one for carrying the question. It would really be putting too high a premium upon faction and violence, to let it be supposed that the late proceedings of the Catholic Association had tended to promote any thing in the way of concession from parliament or the country. God forbid that the British legislature should be intimidated in the performance of its duty by the violence of that or of any other Association. He granted that it was not just to make the many suffer for the errors of the few, but the Catholics of Ireland had, in fact, recognised the Association as the public organ of its proceedings and opinions, and they had, therefore, made themselves a party to all that might be done by that Association; they had adopted the leaders of that body as their chiefs, and made themselves parties to their opinions and proceedings. He believed it was an exaggeration to say that the cause of Catholic emancipation was the cause of six million of people in Ireland; but the fact mattered little, for the greater their number the greater was the danger of granting what they desired. It was only necessary to observe the influence that the Catholic priests had over the minds of their flocks, to look forward with terror to the time when Catholic members should be admitted to take their seats within the walls of that House. He was not one who thought that the political consequences would be trifling of carrying the present measure. If parliament once was thrown open to the Catholics, a decided change could not fail to take place in the state of the Irish representation. A large body of Catholics would soon be found sitting in that House, to legislate upon matters connected with Protestant interests and Protestant supremacy. If these were good Catholics, they would most certainly endeavour to exalt their own establishment at the expense of the rival faith; and therefore, taking them to be zealous followers of their own system, he would never consent to intrust them with political power. The grant proposed to the Catholic clergy by the present measure, in his view, only rendered it additionally objectionable. He was opposed to the principle of such a grant rather than to the mere pecuniary expense; because, if once it was carried, what was to hinder every other sect opposed to the established church from claiming a similar provision? That the grant of what was called Catholic emancipation would end the miseries of Ireland, it would be ridiculous to expect; he personally, was not of opinion that it would in any way decrease them. The evils which afflicted Ireland were the want of a resident gentry, the want of capital, the want of commerce, and of moral and religious education. These were difficulties not to be got over—not to be touched—by a measure which, to him, seemed pregnant with danger to the community; and certainly, so long as he continued to think the religion in which he had been educated the best religion on the face of the earth, so long should he feel it his duty to oppose any extension of the political privileges of the Catholics.

Colonel *Bagwell* supported the bill. He trusted that, by a seasonable concession of the just claims of the Catholics, all painful recollections on both sides would be buried in oblivion; and with respect to any security against the Catholics, he was satisfied that the best security would be found in consulting the interests of every portion of his majesty's subjects, without reference to religious distinctions.

Mr. *Dawson* said;—Often as the subject has been discussed, and tired as the public attention might be supposed to be from repeated debates, yet, strange to say, the Catholic Question seems to acquire a new interest every day. In England, from the peace and prosperity of the country, from the unvarying success which has pursued all public measures adopted by the present Parliament, it is viewed as the only question which portends a doubtful result, and it is considered and discussed by all classes with that caution and judgment which is so peculiarly national; it seems, however, to be the great political question of the day; all parties have their opinions, differing in character and discordant as to the result, but all agreeing in the great importance and the vast changes which the alteration of the present law must introduce into the constitution of the country. In Ireland the interest created by this question is intense beyond description: the ordinary business of life is suspended in order to give an undivided attention to this great question; every individual becomes a politician, and before the question is settled, there will be found to be as many opinions as there are individuals. In cities, in towns, in villages, the interest is equally intense; the press is exclusively devoted to it; orators are found without number to inflame, both in public and private, the passions of the people, to work upon those passions at the expense of their judgment, and to unite the people into one great mass of discontent, for objects, the attainment of which will neither confer universal good, nor relieve individual suffering. The clergy of all persuasions, of the Established Church, Presbyterian and Catholic, are equally zealous in propagating and supporting their own opinions; in short, no class of persons is neuter, and the whole of conversation in private life, and of discussion in public meetings, is engrossed in this one great and overwhelming subject. Nor is the interest confined to these islands; throughout Europe a general expectation prevails upon the subject; and both the friends and enemies of England are looking to the discussion of this great question as involving in it the most serious consequences to this mighty empire, and conferring, according to the wishes of the friend or foe, the principles of increased strength or of certain disorganization.

It is not surprising, therefore, that any man should approach this question with feelings of the greatest alarm; it is not surprising that he should almost shrink from the responsibility of deciding upon the fate of millions; as for himself, he could truly state that he was haunted with the apprehensions of what may be the consequences, whichever way the question may be decided. In no point of view could he contemplate a result which is safe for the country, honourable for the legislature, or satisfactory to the parties interested. On the one side, he feared to perpetuate a system, which is called by some, and is felt by a great body, as a system of injustice against millions of fellow-countrymen; on the other, he feared to introduce a change, which has been regarded by the best and wisest men of England as fatal to the constitution and liberties of this great empire. On the one side, he feared to impede a prosperity which after centuries of misery and bloodshed, is predicted for Ireland, by the adoption of a new system; on the other hand, that the upsetting of every thing established in that country, will lead to consequences by no means calculated to promote its welfare. On the one side, he dreaded to have a question unsettled, stimulating all the passions of the multitude, provoking them to acts of outrage and bloodshed, disturbing the tranquillity, and leaving the people a prey to any mischievous agitators who may work upon their passions for their own selfish purposes; on the other hand, he dreaded the introduction of a system which will consolidate the strength of a party in Ireland, adverse to all the established institutions, hostile to the established religion, full of rancour for past triumphs, and ready to take advantage of the first opportunity to mark their vengeance, and to enjoy their triumphs in return. When such conflicting consequences, arising from the nature of the Catholic Question, are poised and balanced in the state, it is no pleasant duty to have the decision imposed upon you; most willingly would he avoid the performance of the duty, for in truth the responsibility is most awful and alarming; and, without affectation, he could assure the House, that it had cost him many hours of uneasiness and anxiety. Were he convinced that the advantages outweighed the disadvantages; were he convinced that peace and tranquillity, that the oblivion of ancient struggles, that subordination to the laws, that respect for the established institutions of the country, that industry, and in consequence wealth and prosperity, were probable or even possible by concession to the Catholic Claims, he would willingly abandon all the notions which he had so long entertained upon the subject, would expose himself to all the obloquy and all the unpopularity of a change of opinion, and seek for comfort in the prospect of these new advantages for Ireland.

But, Sir, I own that I am not so convinced; whatever doubts I entertained before, when relying upon my own weak judgment, and imperfect opportunities of observation, as to the effect produced by the discussion of the Catholic Question upon the people of Ireland, those doubts are confirmed by the evidence and experience of others, much better able to form an opinion upon the subject, whose evidence is now upon the table of the House, and which ought to be read with eagerness by every man interested for the welfare of Ireland. It is, he conceived, a most fortunate circumstance, that the evidence from the committee appointed to inquire into the state of Ireland, is laid before the public at this particular time; it contains a volume of information respecting the condition of the people, their habits and circumstances; respecting the operations of the laws, both local and general; respecting the nature and effect of every institution both public and private, such as never up to this time has been condensed together. In this evidence, an impartial mind will discover, without difficulty, the condition of every class, Church-of-England man, Presbyterians and Catholics, pourtrayed by those most qualified to give a description, from constant intercourse; it will lead you into the cabin of the peasant in every part of the country; into the house of the landlord; into the mysterious recesses of the land agent and the tithe proctor; into the halls of justice, whether at assize, quarter sessions, petty sessions, or manor courts; it will lead you into the Protestant church, the Presbyterian meeting-house, and the Catholic chapel; it presents a view of the population in their domestic habits, as labourers, mechanics, and tenants; and details the obstacles against their improvement, arising not more from their own habits, than from the administration of the laws; it presents a view of the population as part of a political body, influenced by the disabilities which the law has imposed upon a great portion of the people; and it presents a view of the characteristic marks of distinction which the profession of different creeds has stamped respectively upon Protestant and Catholic.

With this mass of information, it will not be difficult to discover the exact effect which the Catholic disabilities produce upon the Catholic population; and he was greatly surprised to hear from such competent witnesses as Mr. O'Connell, Dr. Doyle and Dr. Kelly, how very little the great body of the people was affected by the disqualifying laws. That the greatest wretchedness exists among them, is beyond doubt; that poverty, that want of employment, insubordination, distrusts in all the established institutions of the country; fraud, perjury and immorality, arising from that distrust, exist to a frightful extent, is beyond all doubt; but that Catholic Emancipation is the cure for these evils, or one which is regarded by the peasantry in any other light than the gratification of religious bigotry, is what these gentlemen have not ventured to assert. Let us for a moment consider the picture which Mr. O'Connell has drawn of the Catholic population in the counties of Cork, Kerry, Limerick and Clare. It is to be remarked first, that he describes the effect of the disqualifying laws of the Catholics to be among the upper classes, discontent at being excluded from certain offices in the state, which lead to honour and profit, and among the lower classes, a soreness and irritation on account of the spirit of domination and superiority exhibited by the Protestants; let us contemplate for an instant the picture which he has given of the population in those four great counties, and see, according to his own statement, how insignificant the operation of such feelings must be, and how perfectly hopeless the repeal of all the disqualifying laws would be, in improving the condition of the people. We must recollect that he describes the Catholic population in the counties of Limerick, Clare and Kerry, compared with the Protestants, as 100 to one; he says, the protestants are universally in favour of Catholic Emancipation; it is evident, therefore, that in that part of the country there can be no insolence or domination on the one side, no soreness nor irritation on the other; it is in fact, a Catholic population, the habits and pursuits of the people are all Catholic, the common business of life is carried on according to Catholic maxims and Catholic regulations, and unless Mr. O'Connell periodically came down to tell them that they were the most oppressed people in the world, because he could not become a member of Parliament or a judge, they would not trouble their heads about Catholic Emancipation, as long as they found the causes of their misery and degradation so much more tangible, so much more intelligible to them, so much more felt in the every-day intercourse of life. But what is the condition of the people? Mr. O'Connell says, that the condition of the labouring classes is so bad, that it is astonishing how they preserve health, there is a total privation of every thing like comfort, and their existence is such, that the inferior animals of this country would not endure it. Their houses or cabins, than which it would be impossible to have any thing worse, are built of mud, covered partly with thatch, and partly what are called scraws, and but miserably defended against the winds and rains of heaven; that they have no furniture, not a box, nor a dresser, nor a plate, and indeed scarcely any utensil except a cast metal pot to boil their potatoes in; that their bedding consists in general of straw; that a blanket is a rarity, that they are without bedsteads; and whole families, both male and female, sleep in the same apartment; that they have but one suit of clothes or more properly rags; no change in case of wet or accident, and that their food throughout the greatest part of the year consists of potatoes and water; during the rest of the year, of potatoes and sour milk; that there is no regular employment for the people, and that the rate of wages when they are employed, varies from sixpence to fourpence a day; that money is an article hardly known by the Irish peasant, and yet notwithstanding the scarcity of this commodity, that the land-jobbers set their land according to the conacre system, at the enormous rent of eight or ten pounds an acre. The consequence of these enormous rents, and the great avidity of the Irish peasant to possess land, which in fact, for want of employment, is necessary for his subsistence, the consequence is an extraordinary increase in the number of sublettings, so it happens not unfrequently, that there are six or seven persons between the proprietor in fee and the actual occupier.

But, how does Mr. O'Connell describe the state of society, in which such a state of things is suffered to exist? how does he describe the effect of the law passed to check these evils, and the conduct of the people towards each other, in the daily intercourse of life? In consequence of these sublettings, the spirit of litigation is increased, their dealings with one another are frequently complicated, and they are invariably harsh and unfeeling towards each other in pecuniary matters. These appeals to courts of law are numerous, and on the most trivial occasions; but when they do appear the most frightful immorality is exhibited. The obligation of an oath is disregarded; the flippant and distinct swearer is always successful; to have a conscience is an inconvenience, and parents employ their children, at the earliest age, to be their witnesses in courts of justice; to get rid, as soon as possible, of the ties of conscience, and to think falsehood and perjury the only means of successful litigation.

Mr. O'Connell then proceeds to describe the effect which the laws have had in checking the evil habits of the peasantry in these counties; and no wonder that he is much disappointed in their result. Laws are made to regulate and guide society, to guard against the frailty of human nature, to protect the weak against the strong, and to give a practical evidence of the advantages of order and regularity over force and lawlessness; but, in order to be useful, laws must be kindly administered, and unless there are agents to carry them into execution, it would be just as well to have no laws at all. Such is the unfortunate condition of this part of the country; the material for executing the laws is so bad, that justice is a total stranger to these districts; the laws which have been found good in more favoured parts, are here the very cause of tyranny and oppression. The unfortunate people seem to labour under a political curse; the order of nature is reversed, and the vine-tree is made to produce the thorn, and the fig-tree to bear the thistle. Mr. O'Connell says, that every act of Parliament passed since the peace, has had the effect of depressing the people, and rendering their condition worse; nor does he confine himself to the laws passed since the peace; he seems totally to forget that it is the administration of the laws by the Catholics themselves, and not the laws, which is the cause of the depraved condition of the people. How else could a law be found useful in Ulster and injurious in Munster?

But, it is right to mention some at least of the laws which he condemns, and which have wrought such different results in different parts of the country. In 1817, a law was passed to regulate the dealings between landlord and tenant; the effect of this law was to give the landlord a certain and expeditious process of getting possession of his land from a tenant under the yearly rent of *50l.* who did not pay his rent, and also to give the occupying tenant a cheap and speedy remedy against the middleman, who had allowed the head landlord to distrain the occupying tenant for rent due by the middleman. Now, that law is described by Mr. O'Connell as leading to murder and insurrection in the south, whilst it is described by his honourable friend, the member for Louth, as the most important and the most useful law to the landed interest in the north, which has ever passed the legislature. In another part of his evidence, Mr. O'Connell says, "in his conscience he is thoroughly convinced, that if a society were instituted to discourage virtue, and to countenance vice, it would be ingenious indeed if it had discovered such a system as the Assistant Barristers Court;" but, in other parts of the country, in the north, and in the counties of Leinster, the most honourable testimony is given in favour of this court, and the administration of justice in it is described to be satisfactory to the people who bring their cases before it, honourable to the magistrates presiding, and creditable to the juries who are engaged in it. How different to Mr. O'Connell's statement! the barristers are incompetent, the juries corrupt, the witnesses and litigants perjured. Even tithes, the grand cause of discontent in other parts, assume a different complexion in these ill-fated regions. The Protestant clergyman, the owner and proprietor of the tithe, ceases to be an object of hatred, as in other places; but the proctor, who is invariably a Catholic, is merciless and unrelenting, and encounters the double portion of hatred, and often of vengeance, which is due to his Protestant master and to his own exactions.

Such is a small, a very small portion of the evils described by Mr. O'Connell as pervading the counties of Kerry, Cork, Limerick and Clare. He had not mentioned a tenth part of the practical misery detailed in his evidence, as a matter of every day occurrence, but it must strike every body, that in a country so circumstanced, the Catholic disabilities are evils of the very least consequence; indeed, it is not quite clear whether Catholic Emancipation would not follow the fate of all the other laws intended for their advantage, and become an evil instead of a benefit. But, Sir, who will undertake to say, that Catholic Emancipation will tranquillize a country so circumstanced; what men will be bold enough to send their capital into such districts; to employ the population, and teach them habits of industry and peace? What a reformation must take place, totally independent of the Catholic question, before order and regularity will be introduced; before confidence is inspired; before the reciprocal duties of man towards man are understood; before morality is considered as a matter of duty, and not of speculation, and before the rights of property are understood and protected! Who will undertake to say, that Catholic Emancipation, the payment of the Catholic priesthood, and the qualification of the elective franchise, will render one soldier less necessary, one policeman less indispensable, in a state of society such as is described by Mr. O'Connell to exist in the counties of Clare, Kerry, Cork and Limerick? The country may secure his attachment by opening parliament and the bench to his ambition, but the great body of the people will be left in the same state of nakedness and misery, and England will still be called upon to supply her arms and her gold, to keep the mass of the people in subjection to those laws, which are as much calculated for their protection now, as if they had been enacted by Mr. O'Connell himself in propriâ personâ.

But, though he was doubtful of the benefits which the removal of the disqualifying laws against the Catholics would confer upon Ireland, he was by no means doubtful of the evil consequences which would arise from it. It is said that Catholic Emancipation would unite the Protestant and the Catholic; that it would confer upon the Catholic all the advantages to which a just ambition might aspire, and that it would take away from the Protestant nothing but his prejudices and his fears. If he was convinced that such would be the case, he should be ashamed to continue an opposition to their claims. But, when he considered the position of the two parties; when he considered the declarations which have been made, and the signs which have been given, he could never expect that the two parties will amalgamate together. The Protestants are in possession of all that is valuable in Ireland; their estates, no matter whether rightly or wrongfully, have been wrested from the Catholics. The establishments of the country, conferring emolument and honour, are all Protestant; the Church conferring a splendid provision upon its ministers, and the corporations giving station and power and influence to its members, are all Protestants, and have all, at no distant period, been in possession of Catholics. Is it possible therefore to think, that all the solid advantages can be on the one side, without exciting a hope of enjoyment on the other? Can Protestants and Catholics really unite together when such tempting objects are open to the Catholics, and when a public clamour has already been begun against the Protestants? Will the Catholic be satisfied to see every Protestant institution rolling in wealth and splendor, whilst his own are in poverty and distress? Will he submit to have his churches, his convents, his schools, his colleges, supported by alms, whilst his Protestant rival revels in the enjoyment of Catholic possessions? Human nature forbids us to think so; and he must do the Catholics the justice to say, that they have been no hypocrites on this occasion, but have proclaimed boldly and naturally their expectations. If power be given to the Catholics, it was his firm conviction, that a struggle for ascendancy will take place: it will no longer be a question of equal rights and equal privileges, but it will be a question whether Ireland shall be a Catholic country, with Catholic institutions, Catholic establishments, and Catholic supremacy. If power be given to the Catholics, it is in vain to think that the two establishments can be coexistent. The wealth and influence of the Protestants are too great to be viewed with passive indifference; and the ambition and overbearing disposition of the Catholic hierarchy and Catholic laity are too notorious to be satisfied with the empty sounds of equal rights. Their gentry and nobility are ambitious; their priesthood is overbearing, arrogant, and intolerant; and their people, on account of their physical misery and degradation, will become their ready tools for any change, and will make their grievances, no matter whether arising from rents, tithes, or taxes, as much a cause of complaint against their ruler, in order to bring on Catholic Supremacy, as they have already done to bring on Catholic Emancipation. The Catholic people of Ireland will never think that Ireland can be prosperous under a Protestant government. The Catholic institutions must clash with the spirit of Protestant liberality, and unless the greatest encouragement be given to those institutions, the people will become proportionably discontented. Will any man undertake to say, that the order of the Jesuits ought to be encouraged, or even tolerated, by a Protestant government; an order which has been proscribed by almost every state in Europe, and which is the more dangerous on account of the ability and unpretending ambition of its leaders: and yet such an institution is in perfect activity in Ireland. Notwithstanding the positive contradiction of his hon. friend the member for the Queen's County (sir H. Parnell), and his contradiction, in his opinion, proves the suspicion in which the establishment regards its own friends, yet notwithstanding his contradiction, Mr. O'Connell has allowed that the Jesuits are in full activity in Ireland. Will a Protestant government encourage the Jesuits? If it does not, the Jesuits will soon rouse the people against such a government. Will a Protestant government allow an unlimited endowment of monasteries, abbeys, and convents? Will it relax the laws of mortmain in favour of Catholic establishment, and exempt the bequests of pious Catholics from the same degree of jealousy and scrutiny, which they have adopted with respect to Protestant institutions? And yet, if there is any jealousy on the subject, what a clamour will be raised by the Catholic party! Already the laws are considered unjust, inquisitorial, and partial, which subject these bequests to any limitation; but if Catholicism shall become a part and parcel of the constitution, what denunciations we shall hear against any minister who shall dare to interfere with the disposition of private property for such pious purposes! With respect to schools and colleges, the same clashing principles will prevail. If the Catholics be admitted to power, will not their laity and their priesthood be naturally anxious to procure pecuniary assistance for their schools and colleges? And yet, let any man read the evidence of Mr. O'Connell respecting the college of Maynooth, and ask himself, if a parliament would be justified in encouraging such a system of education in a free country? He describes it to be carried on according to the most rigid principles of monastic discipline; to be the abode of gloom, secresy, and retirement, to teach nothing but theology, and that too the theology of the Jesuits, and to deaden the hearts of its youthful inhabitants by shutting them out from all intercourse with the world, their friends and relations. Under any circumstances, is it not the duty of a government to superintend such an establishment; but, if increased funds were added to it, and if Catholicism were to be incorporated in our constitution, would a Protestant government be justified in exempting it from the same jurisdiction which the French government extends over the colleges and seminaries in that country, in order to protect them from the introduction of principles subversive of the rights of the Gallican church?—And yet, we know enough of the Catholic disposition in Ireland to be assured, that if any scrutiny, much more a scrutiny of the jealous character of the French government, was exercised over Maynooth college, the whole Catholic body, clergy and laity, would be in arms against such unjust interference.

But, Sir, it is unnecessary to go on detailing how Catholic objects and Protestant principles must clash together; let any man refer to the evidence on the table, and in every page he will see, not only how incompatible the two establishments are to exist together, but how decided and certain are the expectations of the Catholics to make their religion ascendant in Ireland. And here, he would make one or two observations with respect to the prominent characters who have given evidence, and to warn the House against their tone and manner. Like many others he was greatly struck with the manner and moderation of several of those gentlemen; it was impossible not to admire the information and the abilities displayed by Mr. Blake and Mr. O'Connell; it was impossible also not to admire the demeanour of the Catholic bishops, Dr. Murray and Dr. Doyle, and particularly the eloquence, learning and zeal displayed by those two prelates; but, he was obliged to say, though his admiration of their talents still continues, his confidence in their testimony is very much abated; it is impossible on any rational grounds to reconcile the turbulence and vehemence of Mr. O'Connell in Ireland with his moderation and forbearance before the committee; it is impossible to reconcile the exaggerated statements of his speeches in Ireland with the palliations and admissions of his evidence; it is impossible to reconcile his advice and counsel to his countrymen with the picture which he has drawn in his evidence of the history and condition of Ireland; it is impossible to reconcile his political principles with his political remedies, and I know not how the same man can be the friend of Cobbett and the hon. member for Westminster, of universal suffrage and the disqualification of the Irish freeholders; I am reduced, therefore, to the disagreeable necessity of viewing all his testimony with considerable diffidence, and as tending to show more the strength of his wishes than of his conviction.

But, he was still more astonished at the evidence of Dr. Doyle. There is the greatest inconsistency between his evidence as a political writer and a parliamentary witness; it is impossible to believe that both should come from the brain of the same man; and in whatever manner it is viewed, whether in the meekness exhibited before the committee, or in the hatred and rancour pervading his political writings, it must excite the most lively apprehensions respecting the truth and justice of a cause, which is advocated by a man of his abilities, and his station in this double character. It is quite notorious, that during the last two years Dr. Doyle has sent into the world several political pamphlets, or rather books, under the signature of J. K. L.; there is no doubt that he is the author of these works, as an address was voted to him by name, Dr. Doyle, by the Catholic Association, conveying the thanks of that body for his works, which address he accepted; these pamphlets, together with twelve letters on the state of Ireland, published a few weeks since, contain the grossest attacks upon every Protestant institution in Ireland, and must excite the fears of every man attached to the church and the Protestant Establishment. In every page, whether as a legislator, as a divine, or as a citizen of the world, he breathes the most rancorous spirit against the laws, against the church establishment, against the Protestant population; as a legislator he teaches the people to despise the laws, and to regard them as formed much more for their depression and degradation than for their improvement; as a divine he cannot conceal his fury against the Protestant church; at the bare mention of the name of Protestant church he is thrown into agonies, in which he gives vent to the most undignified reproaches, and to the most unfounded calumnies against all its members: he reviles its ceremonies, condemns its principles, and abuses all the ministers of its church in the most unmeasured terms. In speaking of his own church, he is arrogant and intolerant, and presents one of the truest pictures of an obedient son to the see of Rome which these countries ever produced. If Dr. Doyle had power, Popes Gregory or Boniface could not desire a more able or willing instrument to lay Ireland in shackles at the feet of their Holinesses. Such are his sentiments, such are his principles, when he appears before the world as a political writer; but, when he appears before the Parliamentary Committee he changes his character altogether; he is moderate in his views, measured in his language, liberal in his principles; he is an admirer of the British constitution, he is an admirer of its laws; he abjures the power of the Pope except in matters purely spiritual, and he is as sturdy as any old covenanter in refusing him any power except the institutions of bishops; he has his answers ready for every question, and those answers always happen to be precisely the answers which the warmest friend of Catholic Emancipation would desire to get; they are copious, learned and eloquent. But, take him on doubtful or forbidden ground, and his whole manner changes; ask him about the letters of J. K. L.; ask him about the principles contained in those letters, his answers are short and pithy. "Have you seen a late publication, entitled, Letters on the State of Ireland by J. K. L.?—I have seen them. Do you hold the same opinions with the author of those letters?—I dare say I do. Do you hold the same opinions with respect to the forty-shilling freeholders?" here was the touchstone; he saw he was getting upon dangerous ground; his letters had been written and published before he was let into the secret of the compromise of effecting Catholic Emancipation at the expense of the Catholic freeholders; like a good general, but like an indifferent ecclesiastic, he determined to parry the question; he appealed therefore to the kindness and courtesy of the committee to spare him an examination upon that subject; his appeal prevailed, and he was allowed to escape from the dilemma to which he must inevitably have been exposed by further examination; the artifice, however, cannot succeed; his books are published, his evidence is published, and every reflecting mind ought to compare them together, before implicit credence can be given to the evidence of Dr. Doyle.

Now, Sir, the mischiefs of this double dealing are incalculable, and render the settlement of this question almost impossible. In Ireland, the public opinion, among the Catholics, is governed entirely by the opinions of Dr. Doyle and Mr. O'Connell. Dr. Doyle undertakes the management of the ecclesiastical, Mr. O'Connell the management of the lay part of the population. The former teaches the Catholic clergy to consider the Protestant church as heretical, intrusive, tyrannical and useless; he points to its wealth as wrested from the Catholic church; its places of worship as insulting to the Catholic population, and its ministers as spoliators and scorpions. He is believed in Ireland by the Catholic clergy, and he is dreaded by the Protestant clergy. Mr. O'Connell pursues the same system in alienating the minds of the lay population from every thing which is established and Protestant; the consequence is, that there is scarcely a Protestant in Ireland who does not dread some great convulsion from concession to the Roman Catholic Claims, and scarcely a Catholic who does not expect to gain something more than eligibility to either. But in this country they both adopt a different language, and mould their opinions according to those of their auditory. The result of this artifice is, that the Protestants in Ireland have a well-grounded alarm that the British Parliament is deceived; they think their own cause abandoned, and they attribute this defection to the hollow, deceitful and dangerous tone adopted by the Catholic leaders in this country; they compare this moderation, and the effect it has had upon the English mind, with the fury and violence which is practised in Ireland; and they anticipate nothing but ruin and desolation to the Protestant cause. To expect a union of sentiment, to expect an oblivion of ancient struggles, to expect the tranquillization of present fears, and to anticipate a brighter prospect in future, is, under such circumstances, impossible; nay, the Catholics themselves take good care that the Protestants in England shall not be deceived upon the subject. Already they see their prey within their grasp; already they have sent forth their manifestos, and have begun to sing their songs of triumph. If the Protestants look to the proceedings of the Catholic body in the present day; if they look to their speeches and resolutions; if they look to the records of history to contemplate what their future condition must be, when the Catholics have succeeded in obtaining power, they can find nothing consolatory, nothing but the ruin and overthrow of their own establishments. The menaces and the intentions of the Catholics are too manifest, and the examples of history are too convincing to leave any doubt upon the subject.

And here he should beg to call the attention of the House to a most curious historical coincidence which cannot fail to prove that the objects of the Catholics in Ireland are unchanged and unchangeable. On the 31st of May 1824, a petition was presented to this House by the hon. and learned member for Winchelsea, from the Catholic Association. The petition itself was long and comprehensive, and so general was its censure of every thing established in Ireland, that it called forth the reprobation of even the hon. and learned member himself, who declined to found any measure upon it, from the certain conviction, that the House would mark its indignation of the matter contained in it. The petition, however, concluded with this prayer:—"The petitioners therefore pray, that the House will cause a thorough reform to be made in the temporalities of the Established Church; that the House will render Orangemen ineligible to serve as magistrates or jurors; that the House will disfranchise the corporations, and that the House will pass an Act to emancipate the Roman Catholics of Ireland." Now, in order to know what the Catholics mean by a reform in the temporalities of the Established Church, he must refer to the works of J. K. L. and there he will find, that a reform in the temporalities means, to strip the Protestant church of all its property, and to give its ministers a stipend proportioned to their duties; to take away the churches, in order to restore them to the Catholics; and to put the schools, colleges, and endowments of the Protestant establishment upon a new footing. The disfranchisement of the corporations, and disqualification of Protestants to serve as judges or jurors, is clear enough. Now, it is a curious coincidence, that every one of these objects, which are so fervently sought for by the Catholics in 1824, were actually carried into execution in 1687 and 1688, when the Catholics had unrestrained power in Ireland; and with the permission of the House he should mention how this was effected, and its consequences. In the year 1687, when lord Tyrconnel was appointed lord-lieutenant of Ireland, and when it was determined in king James's cabinet to root out the Protestant establishment in Ireland, the first act of his administration, in order to secure this object, was to remove every Protestant from the administration of justice. The Protestant judges were accordingly removed from the bench, Protestant magistrates from the commission of the peace, Papists were put into their places; every office of justice, from a sheriff to a constable, was filled by a Papist.

Having succeeded in getting complete power over the lives and properties of the Protestants by the appointment of Catholic ministers of justice, the next object of attack was against the corporations. Accordingly, to use the language of the Catholic petition, the corporations were all disfranchised; their charters were taken away, and new charters given, by which the king reserved to himself the power of displacing any mayor, alderman or burgess. The corporations, therefore, became the slaves of the king's will, and by displacing all the Protestant members, and filling up their places with Papists, he in fact secured to himself a complete and uncontrollable power over the legislature, and commanded the corporations to return such men to parliament as best suited his purposes. Having settled these preliminaries, the next step was, to summon a parliament, in order to have the colour of law for the great and comprehensive scheme of destroying the Protestant religion. In 1689 a parliament met in Dublin; and from the precautions taken by the government to give orders to the sheriffs to return none but Papists from the counties, and from the complete possession of the corporations by the Catholics, it was just such a parliament as the most sanguine Catholic could desire. The House of Commons consisted of 228 members, eight of whom only were Protestants; the House of Lords consisted of forty-six members, of whom only eight or nine were Protestants. Behold, therefore, the Catholics in full power, and what was the use which they made of it? Their first act was to repeal the Act of Settlement, an act which had been passed in the reign of king Charles 2nd, for confirming the titles of the forfeited estates, and which then, as it does now, formed the title by which more than two-thirds of the Protestant proprietary of Ireland held their lands. This act was repealed, and more than twelve millions of acres left at the disposal of the crown for repaying the fidelity of its Catholic subjects. In vain some Papists who had purchased estates under the Act of Settlement and explanation, remonstrated against being deprived of their possessions. Their remonstrances were useless; they were told they must suffer for the general good; and he begged to submit this proceeding for the consideration of those gentlemen who think they can find a security against any attempt on the part of the Catholics to recover the forfeited estates, in the argument that Catholics themselves have become purchasers. The next act, in order to give a more fatal blow to the Protestants, and to make their extirpation complete, was an Act of attainder, by which all Protestants, of all ranks and degrees, and of all sexes, were attainted of high treason, on the pretence that they were out of the kingdom at the passing of the act. According to archbishop King, 2,600 were included in this proscription, and the manner of their condemnation was no less unjust than the motive, for sir R. Nagle, on presenting the act to the king for his assent, informed him, that many in the act were condemned upon such evidence as satisfied the House; the rest upon common fame.

But, sweeping and comprehensive as these measures were for the extirpation of the Protestant religion, they were not enough to satisfy the Catholics. The parliament of 1689 proceeds in the spirit of the Catholic Association of 1824, to reform the temporalities of the church: and we have the definition of Dr. Doyle's reform carried into complete execution by the votes of the Catholic legislature. In the first place, all the diocesan and parish schools, which had been formed for the encouragement of the Protestant religion, were taken away from the Protestant schoolmasters, and their places were filled up by Catholics. The king exercised his right of regulating the statutes of the university, by dispensing with the oaths, and sending a mandamus to the fellows to elect whomsoever he should nominate; he accordingly filled up several fellowships with Papists, and appointed a Popish priest as provost. An act passed this parliament whereby all tithes payable by the Catholics to the Protestant clergy, were taken away and given to Popish priests; and in order to make the recovery of them more easy, and to save the trouble and expense of suing under the ecclesiastical jurisdiction, the priest might bring his action at common law. The appropriate tithes belonging also to bishops and other dignitaries of the church were wrested from them and given to the Papists, and the revenues of the vacant bishopricks were also expended in maintaining the Catholic clergy. But, it was not enough to deprive the Protestant clergy of the means of maintenance, the jurisdiction of the church was also destroyed by an act of this same parliament, and all dissenters were declared free from the punishments, cognizable in the ecclesiastical courts; but as the finishing stroke to the Protestant religion, and the most effectual specimen of the reform, which Dr. Doyle has so much at heart, an act of this same parliament deprived the Protestants of their churches and the cathedral of Christ Church, in Dublin, with 26 churches in that diocese, were immediately seized by the Catholics; orders were sent to the provinces for the same purposes, and no doubt every church in Ireland would have been in their possession, if the career of this Catholic Parliament had not been stopped by the battle of the Boyne.

But, why did he mention these events? It may be said, that the revival of these circumstances serves only to rip open old wounds, and to perpetuate the unfortunate causes of irritation which have so long agitated Ireland. He had no such intention; he wished they could, but they will not be forgotten; and when his right hon. and learned friend the attorney-general for Ireland appeals to history, and in his forcible diction says, that it is nothing better than an old almanack, unless we take warning from its illustrations and examples, he was forced, unwillingly forced, to draw his inference of Catholic principles from Catholic precedents, and to confess that he could view the Catholic petition of 1824 as nothing but the corollary of the acts of the Catholic parliament of 1689.

Upon the whole, he would not give his vote in support of the present bill; he was not convinced that the Catholic disabilities are the causes of the moral and physical degradation of the people of Ireland; no doubt they form a strong ingredient in the national discontent, but the concession of power to the Catholics would only change the sources of discontent, it would leave the struggle for power more formidable, more bitter than it is at present, and it would finally end in the overthrow of the Protestant establishment. In his opinion, he had only to make a choice between two evils; he preferred the Protestant establishment, because it had led to the glory and prosperity of England, because it had conferred blessings upon Ireland wherever it had been fostered, and because it comprehends now the soundest, the most industrious, the most loyal portion of the kingdom, he dreaded Catholicism because it was hostile to the spirit of the British constitution, and he thought it his duty to raise his voice to warn the House against encouraging for a third or fourth time the introduction of a political and religious system which the wisdom of our forefathers considered fatal to the liberties of the country. The monster now, like the Trojan horse, threatened to introduce danger and destruction into the very vitals of the constitution, and he trusted that he would not have occasion to exclaim, in the words of the Roman poet,—

> "Quater ipso in limine portæ,
> Substitit, atque utero sonitum quater arma dedere.
> Instamus tamen immemores, cæcique furore,
> Et monstrum infelix, sacratâ sistimus arce."

Lord *Milton* said, that the desire which he felt for the accomplishment of this great question was in no wise diminished by the speech of the hon. member who had just sat down, and he felt great pleasure in having, in support of his view of the subject, the authority of the hon. member for Armagh, who had very properly expressed a hope, that we should forget past times and look only to the future. He did not stand there as the apologist of the Catholic church, the Catholic prelates, or the Catholic advocates. He had nothing to do with reconciling the opinions of J. K. L. with the evidence of the bishop of Kildare, or to explain away the differences between the sentiments of Mr. O'Connell in Ireland, and Mr. O'Connell before the committee.

Their consistency was in their own keeping, and it was not his business, nor that of any member of that House, to reconcile any variations in their conduct or opinions. He could trace, in the speech of the hon. member who spoke last, many of the causes of the opinions which he entertained. In the early part of his speech he had endeavoured, with great ability, to recommend to the attention of the House those inconsistencies which he thought he perceived in the evidence, with a view to raise an alarm, upon the supposition that the Catholic ascendancy in Ireland was contemplated—a disposition to do which he inferred by a reference to the Catholic parliament of king James in Ireland; the proceedings of which parliament he could no more be astonished at, than at the counteracting measures by which those proceedings were followed up. The hon. member had only looked at half of the case; but he prayed the attention of the House to the whole of it. Let the House not forget, that king James was at that period in Ireland, struggling for the crown of England, and struggling, too, by the co-operation of the party who had endeavoured to overthrow the liberties of the country. Could any thing then have been more natural, than that he should endeavour to put down those Protestant establishments by which he had been resisted? Those were the men who were the partisans of James — the partisans of tyranny both here and there. But he would ask the hon. member, where was the king James now to alarm and frighten us? He trusted the hon. member did not mean even to insinuate that the family now upon the throne could contemplate the nefarious project of destroying the liberties of the country by foreign interference. For his own part, he was far from entertaining any such suspicion, or that even if such an attempt could be entertained, recourse would be had to Catholic instruments. The hon. member had referred to the statement of his right hon. friend, the Attorney-general for Ireland, that if men did not profit by experience, history was no better than an old almanack. He certainly was not surprised at the reference; for he had never known history to have been used more like an old almanack, than by the hon. member. Nobody could have been surprised at the subsequent measures of revenge which were adopted at that period towards the Roman Catholics. He felt no astonishment at them; nor could he go the length of saying that those measures were wholly unjustifiable. The Protestants had suffered under the tyranny of James and the Catholic parliament; and, in the re-establishment of their power, they enacted laws which, whether they were wise or unwise, were at least consistent. Their object was to reduce the power of their adversaries, and for that purpose they endeavoured to reduce the population to a state of barbarism. In this they unfortunately succeeded; but those times were now gone by. From that state the great mass of the Irish people had long been released. They had now acquired wealth, and with that wealth, political influence. Of that influence it was impossible to deprive them. We could not now, as had been observed by the hon. member for Armagh, re-enact the penal code; and it was impossible to stand still. We should, therefore, if we sought for the tranquillity of Ireland, go on, and grant that emancipation willingly, which might hereafter be wrung from us by necessity. With respect to the influence of the proposed measure on the established church, he thought that any measure which would tend—as he had no doubt this would—to the tranquillity of Ireland, would also afford increased security to the Protestant religion in that country.

Mr. *North* said, he did not rise in the vain hope of being able to add any thing to the persuasive eloquence, which, on various occasions, had been displayed on this important question. Feeling as he did, most strongly, that Catholic concessions were essential to the security of the empire, no less than to the tranquillity of Ireland, it was impossible he could content himself with a silent vote. Entertaining those opinions, he could not express the lively feelings of satisfaction and delight with which he had heard the speech of the hon. member for Armagh. He rejoiced to witness in that speech the power of truth obtaining triumphant victory over error of the most pure and honourable kind. And at the same time, while he admired the perfect candour and manliness of that statement, he was also prepared to give his entire assent and acquiescence to all his arguments. He confessed it was to him a matter of surprise, that his hon. friend (Mr. Dawson) should by the same eloquence, which was so satisfactory to the hon. member for

Armagh, have been conducted to a conclusion so completely different. His hon. friend had quoted the same evidence which had led to the conversion of the hon. member for Armagh, on this momentous question, as the strongest argument against it. He apprehended he stated the argument of his hon. friend correctly, when he stated, that he traced the inconsistency between the conduct and the evidence of the same persons before the committee to insincerity. He said, that the violence and turbulence of Mr. O'Connell, and other leaders of the Catholic body, while in Ireland, were inconsistent with the calm and moderate tone which the same persons assumed before the committee. But, could his hon. friend find no means of accounting for this difference of feeling? Let him only consider the different circumstances of the two periods which he brought into juxta-position, and in the comparison he would find a satisfactory solution. In one light, they appeared as oppressed and injured men; in another, as men to whom we held out the hand of conciliation, "I hold," said Mr. Burke, "one sort of language to a kind and conciliating friend; another to the proud and insolent foe." In Ireland, these gentlemen, smarting under disappointment and injustice, spoke the language of passion and disappointment; but, the moment a change of conduct was adopted towards them, and they were called to discuss with you calmly in a committee, those measures which might lead to an adjustment of the grievances of Ireland, that moment their sentiments and feelings were changed, and their expressions were changed along with them. So totally did he differ from his hon. friend, that he looked upon this moderate tone as a foretaste of that conciliation and contentment which would follow this measure, if carried into execution. If we found those persons so changed when the smallest gleam of hope shone upon their minds, must we not reasonably infer, that that satisfaction would go on increasing as the dawn went on changing to perfect day? He, therefore, dissented totally from the interference of his hon. friend, and declared, that if he had not previously to the appointment of a committee, had his mind made up on this important question, he should derive from the evidence the same conviction which the hon. member for Armagh had so justly drawn, and so powerfully and manfully avowed. He could not help auguring most favourably for the great undertaking in which they were engaged, from the arguments of its opponents, and more especially from those of the hon. member for Corfe Castle. It was most remarkable, that when this question was brought forward, it should be met, not on the grounds of Catholic emancipation, but that we should be called upon to discuss, not the merits of this particular question, but of some collateral topics with which it was connected. However, he should not follow this example; but would endeavour to confine himself to the bill before the House. The most important, leading, and, if satisfactory, most conclusive argument made use of by the hon. member on the floor was this—that the grievances said to be sustained by the Catholics of Ireland were altogether imaginary and unreal. The best way, perhaps, of replying to that argument, and of showing the real existence of some grievances, would be to apply the laws as they now were to any particular individual or profession in Ireland, and then ask the hon. member to place his hand upon his breast, and say that the case made out was not a grievance. Let the law be taken as it affected the Catholic country gentleman, and the Catholic professional man. He would take the country gentleman—supposing him a man of considerable influence in the country, distinguishing himself upon grand juries, and in all his undertakings, by calm good sense and sound discretion, and enjoying the esteem and confidence of all the gentlemen in his county. He is to derive from all those distinctions, what privilege? what advantage? Nothing more than the poorest forty-shilling freeholder in the county. Let us next take the professional man; take, for instance, the case of a gentleman who has been so often alluded to in these discussions. You allow him to enter into an ambitious profession—you urge him on to spend the best years of his life in the tedious studies of that profession—and when at length he has surmounted the difficulties, and begun to acquire for himself the esteem of the public, and to enjoy the advantages which attend it; when, flushed with success and burning to go on, he is impeded by your law in his honourable career, and held fast, whilst his Protestant competitor passes over him to distinction. This, surely, was a grievance, harassing, vexatious, and galling; such as no man of spirit could bear without complaint, and, so long as such a system continued, the country must remain discontented. Was he to be told that men of great talents, high consideration, and vast intellectual acquirements, would toil on all their lives in a profitless struggle, placed as it were amongst the money-changers in the porch, whilst the holier and diviner places were reserved for the more favoured? Could such things be, and discontent not follow? These were the grievances of the whole community: the country had a right—the Crown had a right—to the services of all its subjects; and it was a national grievance when the country was deprived of them.—But, it had been said, that, admitting the grievances to be real, still there was something in the constitution which required their continuance. The constitution had been described as exclusive. He denied it. He believed the aim and scope of those who framed our constitution was, that all the members of the state should enjoy as much political power as could be conferred, consistently with the security of the state. He knew no other definition of the constitution; and in no part of it could he find that exclusive spirit. But, had the Catholic, indeed, no power at present? If you place him at the head of an association in Ireland, has he there no power? Can you prevent him from enjoying the confidence of millions of his countrymen in Ireland? Can you deprive him of the power of alternately agitating and tranquillizing the country, or making a drawn battle with the government; and, would you tell him that this was no power? In Ireland, such a man might easily become a giant; whereas, here, he might very possibly become a pigmy. Whether you confer it or not, power he will possess; and it was for the House to consider what direction they would give it; whether they would make it their own, or continue it in hostility. Six centuries had elapsed since the English power had been established in Ireland; and during that period, what changes had taken place—a new world had been discovered; the Reformation had been brought about; but the Irish remained the same, resisting the assaults of time. Did gentlemen believe, that, during that long period, the Catholic religion had remained unaltered; and that it was now professed with the same zeal, and in the same blindness as then? There was but one thing immutable, and that was human nature. If the policy of the state were based on its principles, it would be permanent as the rock on which it was fixed. Feelings of gratitude and affection would be called forth by kindness; and resentment would always be excited by insult and injury. Let the House choose this basis for their proceedings; and whatever theologians or doctors might say—whatever they might urge of professions not changing, the House might rely, that the Catholics would receive kindness with gratitude, and favour with augmented loyalty. Could any man believe that the religion which had been professed and adorned by a Pascal and a Fenelon, those lights and ornaments of their age—could any man believe that the religion of our own ancestors rendered the Catholic ungrateful or deceitful? No man practically held such a belief, neither in public nor private life; for the state contracted treaties with Catholics, and individual Protestants intermarried with Catholics, and found them as just and as honourable in their dealings as other men. It had been rightly stated, that it was no longer a question whether the claims of the Catholics were ever to be granted, but whether they should now be conceded, or how long they should be postponed. Until what period, he would ask, of embarrassment and danger was concession to be delayed? For what misfortunes, and for what critical situations, were the legislature to wait? The Catholics had acquired property, and were still increasing in wealth; and measures were now taking to give them education. Would the House wait until multiplied numbers added wealth, and increased knowledge united and concentrated their strength, and enabled them to overwhelm every opposing barrier? Concession would then lose every characteristic of beneficence; it would come without grace, and be received without gratitude. The dangers apprehended from concession were remote and imaginary: while those which resulted from denying the claims of the Catholics were near and imminent. Was it wise, he would ask, to add to the discontent of six millions of men; to look only to remote and barely possible dangers, and exclude from our view present disasters? Was it prudent to direct the political telescope towards the clouds, and shut the senses to the dangers lying in our paths? Some boldness was consistent with true wisdom; some inconvenience must be encountered; some dangers must be met; and he thought it was better to meet the dangers which were seen, than to legislate for those which could not be known. There was no principle that he knew, on which the claims of the Catholics could now be resisted. The Catholics were judges, and sat in judgment both on life and property. A judge sat in the court of Exchequer, who was a Catholic, and universally respected; and another judge presided in Clare. Would any person say, that those who were fit to administer justice in that county, were unfit to administer it in Dublin? Were those who presided in the court of Exchequer unworthy to sit in the King's-bench? Either the legislature had gone too far in the concessions already made to the Catholics, or, in now withholding further concessions, not far enough. Having remitted part of the penal laws, it was necessary either to remit the whole, or re-enact them all. In his opinion, the House should adopt that measure of conciliation which had been recommended by the wisest and most eloquent statesmen. That measure, he was persuaded, would restore peace to Ireland, and give safety and security to the empire.

Colonel *Forde* addressed the House, in a very low tone of voice. We understood him to say, that, like the hon. member for Armagh, he had been lately made a convert to this cause, but that he now earnestly supported it. He felt the whole force of all that had been said by that hon. member. Some alterations were necessary; for the penal laws could not remain as they were.

Lord *Ennismore* said, that he intended to vote against the second reading of this bill. He had voted in favour of the motion for going into a committee on this subject, in the hope that some arrangement might have been devised in it, which would have been satisfactory to all parties. No such arrangement was visible in the present bill. If, however, when it went into the committee, clauses should be introduced, providing for the Catholic clergy and regulating the elective franchise, he should have no objection to vote in favour of the third reading.

Mr. *James Daly* expressed great surprise at the inconsistent conduct of his noble friend who had just sat down. His noble friend ought to vote for the second reading of the bill, in order to give the House an opportunity of introducing into it the clauses which he recommended; after which, if they were not introduced, he might consistently withhold his support from the third reading. He should vote in favour of the present measure, because he considered it one of the very first importance. The system of liberality on which it was founded was calculated to put an end to the party animosities of Ireland for ever. The Catholics had of late years advanced in numbers, in property, in education, and in liberality of feeling. Was it extraordinary that, under such circumstances, they should ask for a remission of the laws under which they smarted, and should claim an equality of rights with the rest of their fellow-countrymen? One hon. member had opposed this measure, because part of it tended to disfranchise the freeholders of Ireland. He knew nothing as yet of such a measure, and should therefore consider this bill entirely upon its own merits. He was persuaded that the different parties in Ireland were kept alive by these persecuting laws. Mr. O'Connell, though he possessed great talents, owed his importance to the laws which kept up the distinction between Catholics and Protestants. It was said that if the claims of the Catholics were granted, they would not be contented, and would be ready to ask for something more. But, was their ingratitude, or discontent, supposing it to exist, a reason why the legislature should commit injustice? The Catholics had not decreased in loyalty by the acquisition of property. They had now, for many years both in our Army and Navy, given conspicuous proofs of loyalty; and, was it to be credited, that further concessions would make them disloyal? He thought the present time a very critical one for Ireland. The calm which existed in that country was not the calm of apathy; it was the solemn stillness of intense interest and expectation, and would be interrupted as soon as the Catholics heard that their just claims had been denied. He could not contemplate without dismay, the prospect of so many discontented men as would be roused into activity, should this measure be rejected. They were now obedient from hope: they had submitted at the first word, from the expectation that their grievances would be redressed; but, let the House not flatter themselves, if they threw out this bill, that the calm of Ireland would be preserved, and its tranquillity remain uninterrupted. Complaints had been made of the influence of the Catholic Association, but its influence had been as nothing to what it would be, if this bill were to be lost. It would then unite, which it had not before done, all Ireland in its support. It would find some means of meeting in spite of the law; and uniting all hearts in Ireland in its favour, all the Catholics of England, and many of the Protestants; it would go on gathering strength, until it was in a condition to take by force what was not granted by fair means. He did not mean to say, that with arms in their hands, they would conquer from the Protestants of England their just rights; but, they would bring the whole empire into danger. He felt himself bound to state his opinions freely. He had a deep stake in the country, and was persuaded, if this measure were lost, that property in Ireland would lose half its value. If the House should now dash the cup of hope from the lips of the Catholics, he would answer neither for the safety nor security of property in Ireland. Before he sat down he must state, in opposition to the hon. member for Armagh, that he had seen the Catholic clergy give very efficacious assistance in a season of distress: had seen them pointed at by the people like the Protestant clergy; and had known them receive the thanks of the magistrates for their conduct. He gave his warm and cordial support to the motion.

Sir *N. Colthurst* said, he should vote in favour of the measure, because he conceived it unjust to exclude any class of men from the benefits of the constitution, without the existence of an adequate necessity, or of some great danger being fully proved. Now, he thought that a necessity was proved for their admission into the pale of the constitution; and that great danger would arise if they were any longer excluded from it. He would also vote in favour of this measure, because he was convinced that by so doing, he should diminish the number of Catholics, and consequently increase the stability of the established church. Things could not remain long in the situation in which they were at present. The question must be settled in some way or other; and in no other way could it be safely settled, than by conceding to the Catholics the rights they demanded. Until such concessions were made to them, the prosperity of Ireland must inevitably be retarded.

Mr. *Goulburn* said, that if he could be induced to believe, that by acceding to the present bill, the House would produce general conciliation and tranquillity in Ireland, he should have no hesitation in following the honest and manly course of the hon. member for Armagh, and in giving to it his decided approbation. He could not, however, bring himself to entertain such a belief; and he must therefore repeat the objections which he had formerly urged against this measure. He could not agree in the sentiments expressed by the hon. member for the county of Galway. To tell him that the Catholics of Ireland demanded these concessions, and that if they were refused, they would take them by force, was not an argument to which he could listen. He was willing to yield to the voice of reason, but he would be the last man to give way to any thing like a threat on a question of this nature. He had been hostile to this measure on former occasions, on the very same grounds that he was now. He held it to be inconsistent with the British constitution, which was indissolubly united with the church establishment; he held it to be inconsistent with the first principles of that constitution, to admit those within its pale, who were actuated by religious feelings of the most bitter hostility to the church of England. He agreed with the hon. member for Corfe-castle in thinking, that if they should give their sanction to this bill, they would depart from the ancient recognized principle of the constitution. The constitution was built upon this principle—to exclude every thing that was dangerous to its existence, and to guard against any evil which it foresaw, by checking its operation. Now they were told to neglect that principle, and to trust to the securities which had been formed to neutralize the effects of the evil apprehended in the present instance. He was not disposed to take that advice; but felt inclined to adhere to the old principle, and not to desert it for the new. His hon. and learned friend behind him (Mr. North), in one part of his speech, had doubted whether any danger could arise from granting these concessions to the Catholics; and yet, in another part of his speech had admitted, that he did behold some danger, but a danger that was remote in its operation.

He left his hon. and learned friend to reconcile this inconsistency as he could. He should merely remark, that the bill itself admitted that there was some danger. If there were not, why should it contain so many precautions? Why should it contain a special certificate as to the loyalty of the bishops? [Loud cries of question!] The securities which the bill gave against the apprehended danger were of three kinds—the first was the declarations in the preamble; the second the oaths in the bill itself; and the third, the commission formed to control the intercourse of the bishops with the see of Rome.—The right hon. gentleman was proceeding to show, that they were all inefficient, when the increasing noise in the House, and the cries of "adjourn," compelled him to desist.

Mr. *Peel* complained of the interruption which was given to his right hon. friend. His right hon. friend had had no opportunity of declaring his sentiments upon this question, and had been anxious to declare them on the present evening. If it should be the opinion of the House that the time was now come at which they ought to adjourn, he had no objection to it, provided it was understood, that his right hon. friend was in possession of the House on the next evening.

Mr. *Brougham* said, that from the manner in which hon. members were leaving the House, it was evident that it would be very inconvenient to proceed further at that moment. He believed that no disrespect was intended to the right hon. secretary, but that gentlemen were leaving the House because they were aware that their votes would not be wanted on the present evening. He fully concurred with Mr. Peel, that the right hon. gentleman should be considered in possession of the House, when the debate should be resumed on a future evening.

The debate was then adjourned till Thursday.

HOUSE OF LORDS.

Thursday, April 21.

Roman Catholic Claims.] A petition having been presented against the Catholic Claims, from the Protestant Dissenters of Margate,

Lord *King* said, he thought it somewhat strange, that the Dissenters should stand forward as they had done, against the Catholics, and in support of an establishment that had never evinced any very kindly feeling towards them. He remembered a great ornament of the reverend Bench saying, that the Catholics were far nearer and dearer to them than the dissenters.

Lord *Holland* said, that with respect to the petition which had been just presented, he was not sufficiently acquainted with the sentiments of the dissenters generally to presume any opinion upon it. He knew there were many dissenters who did not come under any of the three great denominations which were in some respect sanctioned by government; but he had not heard that any of these denominations had sent up petitions against the Catholic Claims. On the contrary, he had himself had the honour to receive petitions from them in favour of those claims. It was, therefore, too much to say that the Protestant dissenters were generally adverse to any further concessions to the Catholics.

The Bishop of *Chester* said, he had a petition to present, singular in its nature, and remarkable from the circumstance of its having been confided to his hands. It was the petition of the minister, deacons, and congregation of the Protestant dissenting chapel in Jewry-street, London. Their lordships were aware that each congregation of the dissenters formed a church of their own, and their petitions expressed only the opinion of those who signed them. The petition of one congregation was not supposed to express the opinion of the whole body of the dissenters. The petition had excited his surprise; for it not only deprecated the removal of any restrictions to which the Catholics were subjected, but it expressed the entire satisfaction of the petitioners, that such restrictions were imposed on them. The petitioners were anxious that no change should take place which might in any way endanger the safety of the church of England, which they considered the great bulwark of the Protestant religion. While that church was secured, their religion was placed on a rock. He was persuaded that the great body of Protestant dissenters viewed with no dissatisfaction the church of England, and were sensible that under no other were they likely to enjoy the large and liberal toleration which they enjoyed under it. He had great satisfaction in presenting a petition of this nature; and was glad to see the dissenters alive to the dangers of the Protestant religion.

He was glad to see among them a spirit of candour, which, while they were compelled conscientiously to differ with the church of England on points of faith, made them come forward and acknowledge the merits of the church establishment; which he thought was the best support of the Protestant religion, and which, he prayed to God, might long continue unimpaired.

Lord *Calthorpe* observed, that, from all he had heard, he did not believe, however numerous the signatures to the petitions might be, that the great body of Protestant dissenters were hostile to the claims of the Catholics. On the contrary, he was persuaded that those among the dissenters, who, from their education and rank in life, were best qualified to form an accurate opinion on the subject, were decidedly favourable to concession.

Ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, April 21.

Breach of Privilege—Forgery of a Petition.] Sir *John Newport* took that opportunity of stating, that in consequence of inquiries he had made concerning the fabrication of a petition from Ballinasloe, it had now been traced to its fountain head. He held in his hand a declaration on the part of persons concerned, stating that he was aware of the getting up the petition, and that he was ready to testify on oath that no Catholic was concerned in, or a party to the act. In answer, therefore, to the persons who framed the petition presented by the right hon. Secretary for the Home Department, which stated how miserable must that cause be which could thus stoop to the adoption of such foul expedients, he would say, that the cause of those must be foul indeed, who could attempt to throw on parties not concerned the blame of having fabricated this petition. The whole business was before a committee. To that committee he would deliver up the document he now held, and there, he trusted, the matter would be traced to its origin, and whoever had been guilty of it would be visited with the punishment of the House. He thought it right to state thus much, to take off the impression which the assertion, that the petition was fabricated by Roman Catholics, might have made upon the House.

Mr. *Peel* said, he believed no gentleman entertained an idea that the petition was fabricated by Roman Catholics. If it was fabricated by a Protestant, he should have equal pleasure in bringing the individual to the punishment he deserved.

Roman Catholic Claims.] Sir *J. Mackintosh* said, he held in his hand a petition from the merchants and bankers of Glasgow, in favour of the Catholic Claims. He would not occupy a single minute of the time of the House at that moment, were it not that he considered the petition in question to be entitled to a more than ordinary share of consideration. The House could not form a juster notion of the real nature of the petition, than that which they might derive from a description of it in a letter which he had received from a gentleman, not long ago a member of that House—he meant Mr. Kirkman Finlay; a gentleman, whose character was too well known to require any testimony from him. In that letter, Mr. Finlay assured him, that no endeavours had been used to have the petition numerously signed; that the only wish entertained by the supporters of the petition was, to give an opportunity to gentlemen resident in Glasgow to state what had long been their deliberate opinion upon the great subject at issue; that the names affixed to the petition were those of persons of the highest respectability; many of them differing very widely on political questions. He had been informed, that the number of signatures might have been tenfold, had the slightest exertion been resorted to. As it was, the list comprehended most of the first merchants in Glasgow, many of them zealous political supporters of the present administration. The sentiments of the petitioners did them so much honour, that he would repeat them in their own words. [Here the hon. and learned gentleman read several extracts from the petition.] These petitioners formed a very fair representation of Glasgow as to intellect, property, and education; and in saying this, he was fully aware that he was speaking of the second city in point of magnitude in Great Britain. This petition was signed by a hundred merchants and bankers of Glasgow, who were at least as much entitled to respect as the company of butchers and corporation of hammermen, who had petitioned against the Catholics. The hostility against the Catholics in Scotland was nothing more than a vestige of the ancient puritanical spirit, which was not yet annihilated in some parts of that country. That puritanical zeal was once necessary to civil and religious liberty, but he had to complain of the chronology of this zeal; it was now too late in its operation by 150 years. It formerly resisted religious tyranny: it was now employed almost as zealously against toleration. But, how were recent authorities balanced on this question? In favour of the Catholics, were Mr. Fox and Mr. Pitt; and against them, were the great names of sir Harcourt Lees and Archdeacon Dennis. With respect to the clergy of Scotland, not one-twentieth of that body were hostile to the Catholic claims; and, if the influence and the patronage, used to excite the hostility of the church of England against Catholic emancipation were fairly considered, he was convinced that not one-sixth of the established clergy were against the Catholic rights.

Mr. *Hume* observed, that this petition, so respectably signed, would have the effect of removing the impressions which were created by the other petitions from Glasgow. The opinions of the well-informed classes of Glasgow were decidedly in favour of the Catholic claims.

Mr. *Hutchinson* said, he had never heard a more important petition than that which had been introduced by the hon. and learned gentleman. He had, however, to complain of the very indecorous language which was stated to have been made use of in the synod of Glasgow, on a recent occasion, in respect to this question; for some parties in that synod had dared to denounce the peasantry of Ireland as the most turbulent and barbarous of all peasantries; and to depreciate the character of their clergy, who were, however, the most conscientiously assiduous in the discharge of all their clerical duties of any clergy in the empire.

Mr. *Maxwell* bore a willing testimony to the great respectability of these petitioners. With regard to the complaint just made by the hon. member for Cork, he would fairly state, that he did regret some part of the language which he understood to have been held on the occasion in question; but, the hon. member was bound to make considerable allowance for the anti-Catholic feeling which prevailed in Scotland, on account of the persecution which was attributed by the people generally to the Roman Catholic church in past ages. At the same time, he freely admitted, that much of that persecution was fairly attributable to the episcopal reformed church of those days.

Mr. *J. P. Grant* contended, that the change of opinion for which the hon. and learned gentleman gave Scotland credit, in respect to religious toleration, was not a change of recent date; for, in 1813, a petition was presented to parliament from the general synod, calling upon the legislature to extend such relief to the Roman Catholics as might be compatible with the safety of the state.

Mr. *Carus Wilson* vindicated the conduct of the clergy of the established church in regard to this great question. Their motives were surely entitled to as much respect as those of any other body of petitioners; even if it should appear, that they were opposed to the bill now pending.

Mr. *Hume* presented a petition from Mr. John Lawless, objecting to the pending bill for the relief of the Roman Catholics, on the principle that, in its present form, it was incumbered with a variety of conditions derogatory to the character and claims of those to whom it applied; and particularly with the provisions for abolishing the franchise of the forty-shilling freeholders, and for paying the Roman Catholic clergy. The hon. gentleman begged to observe, that, in his view of the bill, it was not incumbered with either of the provisions alluded to by the petitioner: but, whenever they came before the House, that they should receive from him the fullest consideration. At the same time he thought it would be most injurious to the great cause of Catholic emancipation, if the present discussions were at all interrupted by the consideration of those provisions.

Mr. Alderman *Thompson* rose to present a petition from the inhabitants of London and Westminster, and the borough of Southwark, which was numerously and respectably subscribed by about 3,000 persons, praying that no further concessions may be granted to the Roman Catholics. As some erroneous impression seemed to have got abroad in respect to this petition, he would state the manner in which it had been got up. It did not proceed from any public meeting; but a number of highly respectable persons having agreed to meet together, in order to petition parliament against further concessions to the Catholics, a petition was agreed upon; and then left at the bar of the City of London Tavern for signatures. A copy of it was left at a house in the Strand, and another copy at a house in Southwark: and this being done, the petition was signed, in the course of a very few days, by about 3,000 persons.

Mr. *J. Martin* said, he wished to put the House in possession of a few facts, relative to the real history of this petition. On Saturday last, a friend of his had called upon him, and stated, that the day after this petition was agreed to, he was passing the City of London Tavern, at the door of which there stood a boy, dressed in the ordinary dress of a charity-school-boy, who begged him to walk in and sign the petition. "What petition?" asked his friend, "Oh, Sir," said the boy, "a petition against the Roman Catholics." Hereupon his friend was induced to go in to see it. On a table in the room into which he was shown, there were four sheets of parchment, pen and ink, and the names of one or two persons written on the parchment. His friend observed, that these sheets were without any prayer attached to them; and asked, if he could see the petition? "Dear me, no—Sir" was the reply; "the petition is not here." The gentleman asked, if they could shew him any copy of the petition; but he was answered in the negative. He then asked whether the original petition had been agreed to, at any public meeting? Still the answer was "No;" but a waiter informed him that some gentlemen had met together, and agreed to it; and that if his friend was so inclined, he was at liberty to pay *5s.* towards defraying the expenses incurred on that occasion. Having received this information, he and his hon. friend, the member for Midhurst, repaired to the City of London Tavern; and at the door they were accosted by the same charity-boy, who requested them to walk in and sign the petition. They demanded a sight of it: no such thing was there. Having stated these facts, he left it to the House to determine how far the petition was entitled to be considered the petition of the inhabitants of London and Westminster, and Southwark to boot? No person asked him at the tavern, whence they came, or who they were; so that it was impossible for the parties who conducted the business to know who or what the persons might be who subscribed their names. He had no doubt that a great many petitions against the bill had been got up in the same way; and he was induced to think so, not only from information that had been communicated to him, but from the fact, that very few or no public meetings [hear] had been called for the purpose of agreeing to such petitions. That used formerly to be the mode of originating them, but it was not had recourse to now; from which circumstance he argued that the public feeling that once prevailed against concessions to the Roman Catholics was now greatly and generally on the decline [hear].

Mr. *John Smith* confirmed the statement of his hon. friend, and reprobated the means that were resorted to for signatures of such petitions. Some persons, acting under the delusions, or some worse motive, chose to revive the fears and prejudices of the people, by talking of the fires of Smithfield being about to be rekindled, and by always dealing with this simply as a question of religious principles, keeping out of view altogether its immense importance as a political question. Such disingenuous artifices he could not too strongly deprecate.

Mr. Alderman *Wood* was satisfied, that the great majority of the citizens of London were favourable to the pending bill—an assertion which he felt called upon conscientiously to make, and which he might be supposed to make the more advisedly, because in a few months, probably, he might have again to meet his constituents as a candidate once more for their favour. So strong, however, was his conviction of the immense importance of the measure of relief now contemplated, that he should continue to give it his support, even if such a course should involve the forfeiture of the seat which he had the honour to fill in that house [cheers].

Mr. *Brougham*, as a sincere friend to religious toleration, begged to return his thanks to the worthy alderman, who had just now distinguished himself, by an honest, manly, and conscientious avowal of his opinions on this great question. If every hon. gentleman who had been threatened with the loss of his seat as the consequence of a similar line of conduct, would act the same open and manly part, he would soon discover that he would run no danger whatever by adopting such a course. The danger, in fact, existed only in the mouths of those who uttered the threat; and the constituents themselves would thank their representative for so ingenuous and upright an avowal of his sentiments.

Mr. Alderman *Thompson* stated, that he had just discovered, that upon the occasions to which the members for Midhurst and Tewkesbury had alluded, the individual, in whose custody the petition was lodged, had been most unavoidably out of the way. He could not at all agree with the worthy alderman opposite that the majority of the citizens of London were in favour of further concessions to the Roman Catholics. He believed directly the reverse.

Mr. *Carus Wilson* thought, that the opinions of these petitioners were dealt with, by some gentlemen who were advocates for toleration, most intolerantly.

Mr. *Calcraft* considered it perfectly ridiculous to affect to consider a petition signed by no more than 3,000 persons as the petition of the inhabitants of London and Westminster, and the borough of Southwark besides. He was quite satisfied, that the parties who met to agree to a petition would have called a public meeting for that purpose, if they could have been sure, as formerly, of a majority in their favour. He recollected attending a public meeting himself, in 1813, when the public feeling was strong against the Catholic claims. No meetings of the kind being now called, he naturally inferred, that the public feeling had greatly altered on this subject.

Sir *E. Knatchbull* defended the meetings of individuals at which petitions like that now before the House had been agreed to. What were they who were adverse to the Catholic claims to do? If they met in this private way in districts adjoining their residences, they were charged with unfairly getting up petitions: if they called public meetings, they were taxed with raising the cry of "No Popery." Some hon. gentlemen really dealt most unfairly with them.

Mr. *Baring* wished the House to consider how far this petition could be received, as representing the opinion of the great mass of the inhabitants of London, Westminster, and Southwark. Let gentlemen look to the manner in which it was got up, and then consider what weight was to be attached to it. No doubt it contained the representations of many persons who entertained very honest and conscientious feelings on this subject; and, so far, he had no objection to it. But, it was not the petition of that immense body whose sentiments it affected to state. It was the petition of individuals, and was got up in the most secure, most secret, and, he would say, least creditable manner that could be imagined. There was, he observed, pretty considerable petitioning on the part of the clergy; nothing, however, approaching to a call from the majority of that body: and with respect to the petitions against the Catholic Claims, he might fairly state, that not one of the counties of England, that no one considerable town in the country, had been fairly convened to speak their sentiments on this important question.

Mr. *R. Martin* differed entirely from the hon. baronet, the member for Kent, as to the necessity of having petitions agreed to at private meetings. On the contrary, he would suggest, that every means should be used to excite public discussion and investigation, by which course truth was sure to be elicited, and the real feelings of the people were certain of being made known. If those meetings were held openly, there were numbers of gentlemen from Ireland, who were perfectly well able to tell their own story on this question, and who would not fail to attend them.

Mr. *Abercromby* denied that any gentleman on his side of the House had ever complained of the conduct of individuals who had endeavoured fairly to collect the sense and feelings of the people on any particular question. What he and others complained of was, that appeals should be made to the prejudices and to the worst passions of the people. In the present instance, this system had been resorted to. An attempt had been made to raise a "No popery" cry, on allegations that were unfounded. It was but the other day that he had read an account of a meeting, at which a rev. gentleman was described as having asked, "Are you prepared to see Protestants burned by the Catholics, as was the practice formerly?" It was this sort of unfair conduct to which he objected. He did not complain of any honest appeal to the judgment of the people; because, on their judgment, when they were suffered to exercise it without influence or bias, he most confidently relied. But when appeals were made to the passions of the people—when every thing was done to awaken their worst feelings, and to put their reason asleep—he must condemn such a proceeding, because it was manifestly unjust and ungenerous.

Ordered to lie on the table.

Roman Catholic Relief Bill.] Sir Francis Burdett moved the order of the day, for resuming the adjourned debate on the amendment proposed to be made to the question, "That the bill be now read a second time; which amendment was, to leave out the word 'now,' and at the end of the question to add the words 'upon this day six months,'"

Mr. *Goulburn* proceeded to address the chair. He said he had, on the former evening, endeavoured to impress on the minds of gentlemen, that the contents of the bill now before the House afforded evidence that they would incur danger by adopting the course that they were now called upon to pursue. He had stated then, and he would repeat it, that he could not comprehend the necessity of introducing all these securities, unless danger was apprehended. He proposed now to examine the nature of those securities, to see how far they were applicable to meet the danger which they were intended to guard against, and to inquire in what degree they were calculated to afford protection against the risks which were likely to be incurred. Those securities were of three descriptions:—first, the declarations which were contained in the preamble of the bill; second, the oaths required to be taken in certain cases; and thirdly, that which was considered the great security, the commission for the purpose of assuring the Crown of the loyalty of those who were hereafter to hold high situations in the Roman Catholic church, by superintending and controlling the correspondence between the catholic bishops and foreign powers. With respect to the first class of securities—those contained in the preamble of the bill—they did not appear to him to be in any degree valid. The first part of the preamble relates to the Protestant Succession to the throne of these realms, which it sets forth was "established permanently and inviolably." At present, the Protestantism of the throne, and also the Protestantism of parliament, were provided for; but, the moment this bill was passed, the Protestantism of the Crown being preserved, it was declared, that it would be of no consequence what was the religious persuasion of those who filled high political offices in the state. It was important to know how far this arrangement was satisfactory to those with whom they were now treating. They ought to consider how far this established Protestantism of the Crown, on which they so much relied, was likely to be attended to: they ought to examine into the degree of dependence which they could fairly place on those who called for this bill. He thought he saw, in this measure, no slight indication of the feeling, on this point, of those who were to be benefitted by this bill. In his opinion, so far from this Protestantism of the Crown being viewed by this measure as inviolably fixed, it was considered as a matter that had its limits. It was quite clear, that those who were connected with the measure, cast forward their views to that period when the Crown would be no longer Protestant. This was apparent from the letter of a gentleman, whose opinions on this question had very great weight, and whose evidence before the committee had tended to alter the sentiments of the hon. member for Armagh on this subject. He alluded to Mr. O'Connel, who had taken care to guard himself most sedulously in his expressions on this point. That gentleman said, "that the inviolability of the Protestant Succession would be maintained in the present succession. There was not one, he observed, amongst the Roman Catholics, who would wish to see it altered—in that feeling the Roman Catholics all concurred." But, did not this point at a period, when the present family might become extinct?—a contingency to which he adverted with the most anxious desire and feeling that such a period might be far distant. Did not this seem to suppose that a period might arrive, when Roman Catholics might become eligible to the throne? The next point to which the preamble adverted was the discipline of the Protestant episcopal church of England and Ireland, which was to be permanently and inviolably established, in conformity with the act of union. If he correctly understood the act of Union, the fair construction of that act was, that the only establishment should be, the Protestant episcopal church of England and Ireland, as it existed at the time of the Union. He did not think it was intended, at any period whatever, to place any other religion on a level with the Protestant episcopal church of England and Ireland; but, he had no difficulty in saying, that there was, in the bill before the House, the first recognition of the Roman Catholic church of Ireland. He had heard his right hon. and learned friend, the Attorney-general for Ireland, discuss this question. And what had he said? He had stated, that so long as individuals remained merely bishops of the Roman Catholic church *in* Ireland, it was legal and proper; but that when they denominated themselves bishops of the Roman Catholic church *of* Ireland, it was illegal and improper. And yet, what were they now called upon to do? They were asked to recognize permanently a body of bishops of the Roman Catholic church of Ireland, who were to be paid out of the general funds of this country. There was no one provision which he could discover, that went to preserve the established Protestant episcopal church of England and Ireland, as it was recognized at the Union. The Protestant church of Ireland was, at the Union, permanently fixed, as the established church of that country. But now an attempt was made to place on a level with it the Roman Catholic church of Ireland. When they saw this, could they be idle enough to suppose that any confidence could be placed in the pompous declarations with which the measure was accompanied?

He came, in the next place, to the supposed security which would be derived from the oaths that were to be administered to Roman Catholics. And here he agreed with the hon. member for Corfe Castle in the view which he had taken of those oaths. They applied only to temporal matters, but left untouched the spiritual and ecclesiastical authority of a foreign power. He would ask gentlemen, as that honourable member had done, to look at the situation in which they would be placed, if this bill passed. They were obliged to take the oath of supremacy, declaring that the ecclesiastical and spiritual authority of the pope was not, and never should be recognized in this realm. And yet, by this act, other persons would be allowed to sit in parliament who did recognize that spiritual and ecclesiastical dominion. He thought that the hon. baronet, and those who drew up the bill, ought not to have placed the House in such a difficult situation as this. Gentlemen were called on, either to perjure themselves, or to alter the plain and evident meaning of words. A considerable portion of those oaths was, he knew, taken from the acts already passed for the general relief of the Roman Catholics; but, notwithstanding that, he could not help looking at the measure with very great jealousy and suspicion. He conceived that those concessions were fraught with danger to the church establishment; and, in his opinion, the oaths attached to the bill afforded the Protestants but very little security. The Roman Catholics were called on by the oath, to disclaim and disavow any intention to subvert the established church. That was clear and decisive; but, when it was accompanied with the words "for the purpose of substituting a Roman Catholic establishment in its stead," he would ask, whether it did not allow a considerable degree of latitude for invading the rights of the Protestant establishment, so long as there was not, in the mind of the invader, a desire to establish the Catholic church in its room? He could acquit the Roman Catholics of any wish to overturn the Protestant church; but, for all that, he could easily conceive, that a conscientious Catholic might think himself justified in removing an establishment which he looked upon as a monstrous heresy and a great evil. Such a man might think it a moral duty, intimately connected with moral principle, to remove a church, which appeared to him to produce no benefit, but to create evil.

And while he was on this point, he wished the House to look at the sentiments promulgated by an individual who was highly respected by the Catholic body. He meant Dr. Doyle. Gentlemen had, in the course of the debate, referred to that reverend prelate, and he wished them to examine the terms in which he had spoken of the Protestant establishment. He had stated, that such an establishment did not exist in any other civilized country, and that it was peculiarly unsuited to a nation almost exclusively devoted to tillage. He had asked, what did the Protestant clergyman give to the peasant for the tithes he received from him? Speaking of the Protestant church, he exclaimed, "From what heaven have you fallen! Tell us the names of the bishops by whom your establishment was founded. Turn over books, and point out to us the names of the apostles who were members of your church—a church jointly formed, in its early history, of laymen and ecclesiastics, whose hypocrisy, lies, and crimes, were most disgraceful."

But, there was another circumstance to which he begged to call the attention of the House. In the bill which had been formerly introduced into this House by his right hon. friend, the Secretary of State for the Foreign Department, some efficient security had been proposed by means of an oath. The oath prescribed by that bill was to be administered to all ranks of the clergy; but, in the bill now before the House, the oaths substituted for that to which he alluded was only required to be taken by persons who were admitted to the office of dean or bishop. As far, therefore, as an oath could be obligatory, the one contained in the former bill bound all the Roman Catholic clergy of the kingdom against any attempt towards subverting the established religion. The present bill, however, seemed to be in this respect framed rather with a deference to Catholic prejudices, than with any view towards the feelings of the Protestants, or towards providing a protection against any possible danger.

He came now to the third security which the bill proposed to establish. This was the appointment of a commission of four Catholic bishops, for the purpose of regulating the intercourse of the see of Rome with his majesty's subjects in Ireland. But, even here the bill did not provide that they should disclose all that might be contained in such intercourse, nor, indeed, any part of it, unless they should be of opinion that it was injurious to the tranquillity of the kingdom; thus leaving them to be the sole judges of the question. He did not know by whose advice, nor at whose suggestion, this new cabinet had been formed, or upon what principle of constitutional policy it was, that a commission of four Catholic bishops was thought necessary to advise his majesty on matters of such importance as the tranquillity and safety of the state. Still less could he perceive what great advantages might be expected to result from this commission, whose chief, if not sole duty would be, to report only such matters as would be perfectly innoxious. That much mischief might be done by a commission intrusted with such powers, he saw too plainly; and, if he were a person desirous of carrying on an intercourse dangerous in time of peace, or traitorous in time of war, he would wish for no more efficient engine than this commission. He congratulated England upon the protection which had been thus provided for her establishments, for the security of her religious and civil liberties, and upon the appointment of four Catholic bishops to be the guardians of the Protestant religion! So much for the protection which it was said had been raised against the possibility of innovation! so much for the premium which was held out for making concessions to the Catholics!

But, he should perhaps be told, that not only these but other advantages were afterwards to spring up and to be introduced, when the law now proposed should have been carried into full effect. He knew that it was the favourite policy of those gentlemen who advocated this bill, to keep out of sight many of the ulterior measures with which, if it should once be carried, they hoped to follow it up. On such, however, as met the public view, he should make a very few observations. In the first place, it was offered to give up the franchise of the forty-shilling freeholders; and this was presented as a sort of bonus, either to induce the House to pass this bill, or to reward them for having done so. He wished, however, to ask the hon. members who had espoused that proposition, whether they intended to effect this disfranchisement at once? They admitted that the existence of the forty-shilling freeholders was an evil in the system of Ireland, and that it ought to be abolished. Could they abolish it at present; or, must they not wait the expiration of leases now in existence? One of these two things they must be prepared to do. The first, for his own part, he thought practicable; and if they proposed to do the second, then, he asked the hon. members for Armagh and for Downe, what became, in the mean-time, of the security against the evils which they admitted? To the proposition for paying the Roman Catholic clergy in such manner as befitted their rank and utility, he had no hesitation in agreeing. But, to recognize the several dignities which they enjoyed in their own church, and to give to them all the character and station of a regular establishment, he could not consent, because he thought that to do so would be to inflict a great evil on Ireland. To have in every diocese two bishops of opposite principles in religion, would give rise to frequent disputes, and still more frequent inconveniencies, and must, ultimately, be attended with danger to the country. Such a course, too, would be directly at variance with the principles of the Reformation.

If, as had been said more than once on recent occasions, the Catholic religion had lost some of those features, which used to be its distinguishing characteristics—if it was so altered as to have nearly approximated to the church of England, as some of the persons who had given evidence on the committee would have it believed, why should not steps be taken to unite them, to reconcile opinions now so nearly the same, and to remove that odium theologicum, which an hon. and learned gentleman had said became always more violent in an inverse proportion, as the disputants approached nearer to each other. But, had gentlemen who advocated the creating an establishment for the Roman Catholic clergy well considered whether the country would be disposed to pay additional taxes for the support of that church? If the Protestants of England, and the episcopalians of Scotland, even were content to do so, what feeling would be entertained upon the subject by the numerous body of dissenters? If the Catholic clergy permitted their flocks to consult the Scriptures as the rule of their moral conduct, then, perhaps, some of the danger with which the present measure appeared to be fraught would be removed; but while, by the authority of the pope, that which was obviously a crime in morals, was held to be no crime in religion, it was impossible to deny the existence of that danger. The objections which the Catholics had against the differences of the Scriptures could not be forgotten; and, notwithstanding the explanations which had been attempted on this point, the fact remained sufficiently proved. Even Dr. Doyle, in his recent examination, had said, in answering a question as to the infallibility of the church, that it was held to be infallible on all the articles of faith, and with respect to the moral virtues.

The bill before the House gave to the Catholics a power of combining, which they did not possess at present; and, since the church was believed by them to be infallible on all points of moral duty, they might not only be induced but compelled to combine for any purpose which might seem desirable to the head of the church. Without attempting to magnify this danger, it was enough for him to point out its existence, for the purpose of justifying his refusal to assent to any thing which might by a possibility, however remote, bring the established church of England into jeopardy. Attempts had already been made to invade the property of the church, and particularly the possessions attached to it in Ireland. The hon. member for Montrose, whose activity would prevent him from letting slip any advantage that might offer for effecting that system of reduction of which he was the advocate, would find his efforts countenanced and fortified by Catholic members, who could not be expected to have any other feelings than those of hostility towards the church establishment. It was impossible to foresee what might be the success of a renewal of those attempts which had been hitherto defeated, when they should be backed by the influence to which he alluded. Looking, therefore, at the bill in the various points of view which presented themselves, he believed that it would aggravate the evils which it pretended to remedy. Such were the objections which he felt against this measure; and a sense of the duty which rested upon him, and an earnest desire to preserve the established religion and the liberties of the country from all crafty devices and open attacks which should be attempted against them, compelled him to express those objections. From a sincere belief that the bill now before the House was only the opening to a series of measures, the ultimate object of which was the subversion of those principles on which the Reformation was effected, and the Revolution was established, he offered it his decided opposition, and he trusted that he should have the support of the House in the vote which he intended to give.

Mr. *J. W. Maxwell* rose at the same time with Lord Binning, but the latter gave way. We understood the hon. member to say, that he had changed his opinion upon the question of granting further concessions to the Catholics, and that under that feeling he should give his vote in favour of the bill.

Lord *Binning* said, that although he had given way to the hon. member who had just sat down, under the mistake that it was the first time he had risen to address the House, he was not sorry for it, because it gave him an opportunity of seeing how much the power of conviction had gained upon the gentlemen of Ireland, in reference to the question now before the House. In the course of his parliamentary life, he had never experienced more pleasure than that which he had derived from the speech of the hon. member for Armagh, who had commenced the debate on the former evening—a speech not more distinguished for the talent which that hon. member displayed whenever he addressed the House, than it must be admired for the candour, the courage, and the ingenuousness with which it was delivered. With the same pleasure did he hear the speech of the gallant officer (colonel Forde) who, after a long absence in the discharge of his duty, returned to his native country, and, overcoming all the prejudices of early associations, came down to the House to act upon the conviction of his conscience, that such a measure was demanded by actual necessity, and give his support to this bill. The right hon. Secretary for Ireland, in the conclusion of his speech, had given an alarming but a true picture of the state of Ireland. In that picture he agreed with the right hon gentleman, but not in the conclusion which he had drawn from it.—The right hon. gentleman had described the established church as not being the church of the great body of the people; and he had stated, that the people were discontented with, and hostile to, that church. And, what was the conclusion to which the right hon. gentleman had come from this picture? What was his remedy? Why, to leave things as they were. In this he differed with the right hon. Secretary. He looked at the subject differently. He thought the church insecure: his object was to strengthen it; and this he would effect, by taking away those ramparts which only tended to weaken it. He would, as well as the right hon. gentleman, retain to the church the support of the law; but he would superadd to it the chance of extending itself in the affections of the people, by the respect it would command. The best security of the church was the truth of its doctrines. In these he believed; as well as in the respectability of its ministers; and, if they but broke away the disadvantages under which it laboured, by the handle with which it furnished its enemies, they would thereby give it more security, than could be given to it by all the laws now in existence, or which might be hereafter enacted. Of all the remarkable circumstances which attended the discussion of this question, none was more remarkable than the change of the grounds upon which it was opposed. Those who, like himself, had sat long enough in parliament to hear the good old "No popery" cry, must recollect the time when a learned member of that House (Dr. Duigenan) used to come down with a load of old documents and books, to abuse and anathematise all the popes, and the councils of the darkened ages of popery, and to impute to the Catholics of the present day, the absurd doctrines which he then exposed. They must also recollect how that learned doctor was followed on the other side by an hon. baronet (sir J. C. Hippesley), who, too, used to come down loaded with old books, to impugn and refute the doctrines advanced on the opposite side. Fortunately, all that rubbish was now at an end. It was no longer imputed to Catholics, that it was a principle of their religion, that they could not hold faith with heretics; or that Catholics were compelled, at the command of the pope, to disobey their lawful princes. The evidence of Dr. Doyle had been frequently made the subject of allusion, and its importance made it worthy of such distinction. It had always been the habit of the opponents of the Catholics to say, "It is very well for you Protestants to disclaim the doctrines which we impute to the Catholics, but let us hear a Catholic bishop do so." Now, the friends of the Catholics had given the evidence of a Catholic bishop; and yet their opponents were not satisfied with it. It had, much to his surprise, been made a matter of complaint, that the oath contained in the bill, pledged the Catholics to deny the temporal authority of the pope. He said, that this objection surprised him; because it was always on the ground of the interference of the pope in temporal concerns, that concession to the Catholics had been declared to be dangerous. And, whilst he was on the subject of oaths, he must declare, that he thought some change was necessary to be made, with respect to those oaths which Protestants were obliged to take on entering parliament. It was not civil to call people idolators; particularly when it happened not to be true. It had been stated, by the hon. member for Derry, that the opinions contained in the evidence of Dr. Doyle, and in the letters published under the signature of I. K. L., of which Dr. Doyle was the author, were at variance. He had read the letters in question, as well as the evidence of the reverend gentleman; and he must confess that he could not discover any inconsistency between them. The noble lord here read several passages from the evidence and the letters of Dr. Doyle, to corroborate his opinion. The denial of the doctrines which had hitherto been supposed to form part of the Catholic creed did not rest with Dr. Doyle, but was also made by the titular archbishop of Dublin, the titular archbishop of Armagh, the primate of Ireland, and Mr. Blake. Surely, archbishop Murray could not be answerable for the writings of his brother, Dr. Doyle. He believed that the respectable individuals to whom he had alluded were incapable of telling a lie to the committee of the House of Commons, or of perjuring themselves before the House of Lords. He joined with the hon. member for Armagh in placing complete reliance upon the evidence which had been given before the committees.—He would now say a few words with respect to the two measures which it was understood were to be consequent upon the passing of the bill before the House. First, with regard to the disfranchisement of the forty-shilling freeholders. He would not willingly consent to deprive any man, however humble, of a privilege which he possessed. But, it was necessary to consider who were the forty-shilling freeholders. It was in evidence that they felt no attachment to the privilege in question; but, on the contrary, that they would gladly resign it. He could not conceive that their disfranchisement would ever be drawn into a precedent; because, before a similar measure could be adopted, it would be necessary that there should be a country or district placed in precisely the same circumstances as Ireland; and, in addition, that there should exist the same motive for the measure. That motive was the tranquillity and happiness of the country. Under these circumstances, he was disposed to consent to the measure which the Protestants of Ireland called for, and which the Catholics were disposed to agree to.—The hon. member for Corfe Castle objected to the expense which would be caused by making a provision for the Catholic clergy. He could not stop to argue the point. Economy on such an occasion was misplaced. If he were convinced, that it was necessary for the safety of the state to pay the Roman Catholic priesthood, he would do it without caring for the expense. Whether the expense would be one, or two, or three hundred thousand pounds, it was not worthy of a great and wealthy country to consider. The right hon. Secretary for Ireland had said, that it would be extremely hard to make the Presbyterians of Scotland, and the dissenters and the members of the established church in England, pay for the support of a church which they did not approve of. That was the very thing of which six millions of Catholics in Ireland complained. They were compelled to support a church to which they did not belong, and of which they did not approve. The Roman Catholic church existed in Ireland, and could not be got rid of; and the only question to be determined was, whether it should exist in a way which was safe and advantageous for the country, or in a way which must be the source of constant danger.—He had now, he believed, gone through most of the material topics which had been adverted to by his right hon. friend. He could not help congratulating the House and the country, on the great progress which this question had made. He was persuaded that this bill, or a bill similar to this, would be found to be the most effectual remedy for the evils under which Ireland laboured. It had been said, that it would be only a sedative; but, admitting it to be only a sedative, it was a matter of no slight importance to conciliate the hearts and minds of the people of Ireland; for they might then apply themselves with effect to the consideration of such other measures as the wisdom of parliament might deem necessary for the perfect re-establishment of the peace and prosperity of that country. The misery of the present state of things was, that while the Catholics of Ireland were excluded from a participation in the constitution, no efforts of the legislature could be effectual; while their feelings were thus outraged, every thing came poisoned to their taste; even the fountains of justice were embittered, so long as they considered themselves a degraded, stigmatized, and excluded sect. He hoped, most sincerely, that the House would proceed in the course of legislation which it had so conspicuously begun, that it would send this bill to the other House of parliament; and, finally, that the united sense of the legislature would impose on the government of the country the necessity of carrying into execution the measures which parliament, in its wisdom, policy, and justice, had enacted.

Mr. *Wallace* said, that, upon a question of so much importance as that which was now under the consideration of the House, he could not permit himself to give a silent vote. No man could be more anxious than he was to put an end to the dissensions which had so long unhappily prevailed in Ireland, and to restore peace and prosperity to that country; but, he did not think that these objects were likely to be in any degree accomplished by the present measure. If he had really thought that those desirable objects would be effected by the concession of the Catholic claims, it would have been much more gratifying to him to give a cordial assent to this measure, even at the expense of a constitutional sacrifice, than to give it, as he felt it his duty to do, a reluctant opposition. If the claims of the Catholics were conceded at another time, it might be supposed that they were conceded in consequence of the respectful solicitations of that body; but, when he reflected on the tone and temper of the Catholic Association; when he considered, that the legislature had, in this very session, found it necessary to put down that Association, what would be the inference, if at such a moment, the disabilities under which the Catholics of Ireland laboured were removed? At another time they might have deliberated calmly and dispassionately on this question: at another time they might have conceded, without compromising the dignity and character of that House; but if they passed the bill at the present moment, it would be considered as a peace-offering, on the part of the House, for having put down the Catholic Association; and a virtual surrender of the dignity of Parliament to the leaders of that Association. When a great change was proposed, it ought to be clearly shewn, that there was a fair and rational ground to expect that the advantages held out to them were likely to accrue from it. There were two views in which this measure might be considered: it might either be considered as a measure intended to give satisfaction to a great proportion of the population of Ireland, or as a practical measure directed immediately to the removal of the evils under which Ireland laboured. In neither of those views did he conceive that the measure was calculated to produce any beneficial effect. On the other hand, he could not but apprehend much danger to the constitution of the country; for, unless it could be shewn that the spirit of hostility to Protestant institutions, which characterized the Roman Catholic religion, was changed, he was not prepared to give his assent to any further concessions. But, it was said, that the Catholic religion, had entirely changed its character, and that the Catholic Church had renounced its high pretensions? Where and how, he should be glad to know, had those pretensions been renounced? Was it on the occasion of the re-establishment of the Jesuits? The only security that would satisfy him would be a substantial interference in the appointment of the Catholic bishops. The right hon. member went at length into the various topics connected with the question; but the noise in the House prevented us from catching his observations.

Mr. *Portman* gave his support to the measure, because he felt that it was called for by imperious necessity. In Ireland there was no encouragement for industry. The Catholic peer, or Catholic gentleman, had no incitement to give employment to the people; and he felt that this measure was calculated to remove that evil, as well as to promote the tranquillity of Ireland, and the prosperity of the empire. "Noscitur a sociis" was a proverb often used against Catholics; but he would employ it in their defence; and when he saw the Catholic soldier and Catholic sailor fighting bravely and fearlessly beside their Protestant comrades in defence of their common country, he would call in another proverb to their aid, and say, "Amicus certus in re incerta cernitur." He should therefore give the measure his most hearty concurrence; because he felt that its accomplishment would confer glory on parliament, and infuse new vigour into the constitution.

Lord *Valletort* said, that he had to avow himself another amongst the many converts that had been made in support of this question; and he felt proud of the triumph which his reason had enabled him to achieve over the strong and early prejudices which he had unjustly entertained. He felt persuaded, if others would act with equal sincerity, that there would be many more deserters from the opponents of the bill; and he entertained a perfect conviction that, although the measure might be delayed for a season, it would ultimately succeed.

Mr. Secretary *Canning* rose, amidst general cries from all sides of the House, and spoke to the following effect:—

Often as it has fallen to my lot to address the House on this important question, I cannot approach the consideration of it on this occasion without feelings of the deepest anxiety. And yet it must be confessed, that the subject now presents itself under appearances unusually cheering. Whether the opinion of this country be not, in fact, as strongly opposed to concession to the Roman Catholics, as I believed it to be at the beginning of the session—or that the abatement of the causes which at that particular period existed (I refer of course to the proceedings of the Catholic Association) have proportionably diminished that opposition, I gladly admit that the number of petitions presented to this House, is not such as to indicate that vehement and stirring hostility with which the Catholic question has been heretofore assailed. This circumstance is of itself highly, and to me, I confess, unexpectedly, satisfactory.

It is an additional satisfaction, that among the petitions which have been presented to the House, there is, in many of them, amidst all the sincerity and zeal with which they are laudably distinguished, a manifest ignorance, both of the state of the existing laws respecting the Catholics, and of the precise objects to which the present bill is directed. This ignorance—this want of accurate knowledge as to matters of law—is no disparagement to any man, nor is it stated by me in that intent. I state it merely as a cheering circumstance, because prejudices founded on error and misapprehension will, in honest and ingenuous minds, give way when that error is removed. I feel, Sir, as strongly as any man, the duty of throwing open the doors of parliament to the petitions of the people. The opinions of the country, whatever they may be, are entitled to the most respectful and attentive consideration. But, after such consideration, it is the duty of the House to proceed firmly upon its own judgment. With respect, therefore, to all British subjects—but especially to that class of them who conceive themselves more particularly interested on the present occasion—who are placed in advance, as it were, as guardians of the religious institutions of the country—with respect to the Clergy of England, I not only admit their right to make known their opinions to parliament—but I should think them wanting in their duty if they did not come forward with the fair and candid expression of those opinions. Even in the petitions, however, from that most respectable body, I have found some erroneous apprehensions, as to the real state of the law as it stands at present, with respect to Roman Catholics [hear, hear]. I repeat, that I impute no blame to the individuals who have acted under these erroneous apprehensions. They share those apprehensions with many other persons—with some of the members of this House—who have not the like excuse of constant professional avocations to justify their want of accurate information upon topics not within their daily occupation. But, the fact is as I have described it: and the description applies peculiarly to one petition (to which I will call the attention of the House without mentioning the place from whence it comes), which grounds its whole opposition to the bill now pending, upon an entire mistake as to the purpose which is meant to be effected by it. These petitioners pray, that this House, "will not extend to the Roman Catholics, those privileges and immunities which are withholden from other classes of dissenters." Now, if I were called upon to declare what my object is in supporting this bill, I would say, that it is, to place the Catholic dissenters precisely on the same footing as the other dissenters; and I contend, therefore, that, so far as that object is concerned, this petition, and the other petitions of which it is a specimen, do not militate against the bill before the House. Protestant dissenters *have* voices in the legislature. They have facilities of access to seats in this House, of which Roman Catholics are altogether deprived; and I know of no privileges not enjoyed by any description of dissenters which would be enjoyed by Roman Catholics, if this bill were to pass into a law.

It is a gross and palpable mistake, therefore, in these petitioners, to suppose that any privileges and immunities are intended to be communicated by this bill to the Roman Catholic dissenters, which are withholden from dissenters of other denominations. And the prayer of their petitions, therefore, being preferred in error, is to be met with explanation, not with compliance.

Sir, this bill does not tend, as is imagined by the petitioners, to equalize all religions in the state; but to equalize all the dissenting sects of religion. I am, and this bill is, for a predominant Established Church; and I would not, even in appearance, meddle with the laws which secure that predominance to the church of England—I would not sanction any measure which, even by inference, could be shewn to be hostile to that establishment. But I am for the removal of practical grievance. And in this view of the subject, what is the fact with respect to the Protestant dissenters? It is this—that they labour under no practical grievance on account of their religious differences from us; that they sit with us in this House, and share our councils—that they are admissible to the offices of the state, and have, in fact, in very numerous instances been admitted to them—but they hold these privileges subject to an annual renewal by the annual act of Indemnity;—so with the Roman Catholics, if this bill should pass. They will be admitted only to the same privileges, and they will hold them liable to the same condition.

I hope, Sir, that I shall have satisfied the respectable class of petitioners to whom I refer, that their particular fears are unfounded. I must add, with reference to some of the petitions from dissenters, that I am astonished at the hostile language which those petitions speak, coming, as it does, from men who themselves differ so widely from the established church; and who, nevertheless, enjoy a community of civil and political advantages with churchmen. This language, and the more than usually theological turn of the present debate, make it necessary for me to say a word or two, though very reluctantly, on that view of the question. It surprises me, I own, that the church of England looks upon the doctrines of the Catholic dissenters as so much more adverse and dangerous to their own, than those of other classes of dissenters, to whom it appears to avow much less antipathy. What is it that prevents the Roman Catholics from taking their seats in this House? The oath against transubstantiation.—God forbid that, within these walls, and before this assembly, I should irreverently presume to enter into any discussion upon the articles of the Christian faith; but, when we select the belief in transubstantiation, as a ground for exclusion from parliament, is it not extraordinary that the man who believes in consubstantiation should be invited to sit by our side in this House, and to enjoy all the privileges of the constitution? I do not presume to define the nice distinctions by which the two doctrines are separated from each other; but is that difference of a nature to justify so wide a political distinction? The man who can distinguish so accurately between them as to pronounce the holders of the one doctrine to be loyal subjects, and the holders of the other to be of necessity traitors, may be envied for an understanding fitted rather for subtle disputation than for the purposes of common life.

If it is said, however, that the doctrine of transubstantiation is selected as a test of political faith, not on account of any intrinsic vice in the doctrine, but because the holders of it were once Jacobites: I answer, that it is then, indeed, most monstrous to retain, as a substantive ground of exclusion, that which (by the very argument) was originally selected, not because it was a corruption of faith, but because it was a symbol of disloyalty, now that that disloyalty is confessedly and notoriously extinct.

But the Catholics hold the doctrine of exclusive salvation. Why, Sir, are not many other, I will not say almost all, churches exclusive upon some articles of faith? Has not the church of England her Athanasian Creed—of which, without irreverence, I may say, that it is, at best, only a human exposition of the great mysteries of Christianity. And yet it is expressly declared in that creed, that they who believe not the truth of that human exposition, cannot be saved. With this fact before us, and with the still more striking fact, that we have constantly, that we have at this very moment, sitting among us in this House, men who do not hold this belief, and against whom, therefore, we pronounce the sentence that they are excluded from salvation, can we exclude Catholics from the enjoyment of their civil rights, on the ground that they also preach the doctrine of exclusion?

The doctrine of absolution is the next ground on which the opponents of the bill rest. Sir, I am not about to defend that doctrine; but we must in fairness allow the Catholics to qualify it with their own explanation. We require the like privilege in our own case. It appears, from the evidence before the committee of the House of Lords, that the efficacy of the assumed power of absolution depends on the disposition of the party receiving it, and not on the abstract power of the person who gives it. It depends on the sincere repentance of the party who receives it, on his resolution to amend, and to repair, so far as he is able, the evils he has done. If this be so, is this opinion confined to the Roman Catholic? I will ask any man to read one sentence in our own Prayer Book, in the office for the Visitation of the Sick. I will not profane the words by quotation in debate; but I think any candid man who reads them will admit, that taken nakedly, by themselves, they appear to mean much more than they really mean; and that they require to be qualified, as in fact they are qualified, in our Common-prayer, with explanation.

Do not let it be imputed to me, Sir, that I mean to say that there are no important distinctions between the Protestant and Catholic Creeds; differences wide enough to make me rejoice that we have separated from the church of Rome; and have purified the doctrine and the discipline of our church from its glosses and corruptions. But the question that we are discussing is a practical political question. It is, whether the differences of faith, such as they are, justify us in denouncing the creed of the Roman Catholics as incompatible with the discharge of their duties as good subjects and useful members of the state? Sir, I do not mean to draw the comparison invidiously; but I own that if theological tenets are to have the weight which is assigned to them in the discussion of this question, I am surprised that some honourable members, while they turn up their eyes in astonishment at the thought of admitting to the privileges of the constitution, those who, like the Catholics, differ from them in such points as I have described, yet do not scruple to sit and to vote, as they do daily—as they will this night—with those who deny the Divinity of our Saviour [hear, hear].

The next objection which has been insisted upon—and it is one which I certainly did not expect to have heard—is, that the Roman Catholics ascribe an overweening merit and efficacy to human actions. Be it so. But we, who are considering these several tenets only as they affect the state, may, perhaps, be permitted to ask, are those who lay so much stress on works, likely to be worse or better subjects than those who believe that good works are of no value, but that faith alone is all in all? I presume not to decide which is the more orthodox opinion; but for a good subject of a state, whose safety I am to provide for, I, for my part, would unquestionably prefer the man who insists on the necessity of good works as part of his religious creed, to him who considers himself controlled in all his actions by a pre-ordained and inexorable necessity; and who, provided he believes implicitly, thinks himself irresponsible for his actions.

But, from theory let us come to facts. Refer to the history of this country, and see what it teaches on this subject. By what political differences has the country been most violently agitated; and out of what species of sectarianism has that agitation arisen? A Papist, it is said, cannot bear due allegiance to a sovereign of this country. But, what was the religion which brought Protestant monarchy to the block? The Papists?—Which were the sects that stripped Protestant episcopacy of its mitre and its peerage—of its spiritual authority and its temporal rank?—The Papists?

The next argument is drawn from the acknowledgment, by the Roman Catholics, of the spiritual supremacy of the pope.—It cannot be denied that such spiritual supremacy is acknowledged; and the question for parliament is, whether that doctrine is liable to be acted upon in such a way as to threaten danger to the state?

I do not, on this subject, rest alone on the evidence of Dr. Doyle taken before the committees: although (setting aside the obligation of an oath, which is assumed by those who oppose this question to be little obligatory upon Roman Catholics), I cannot think it probable that a gentleman of Dr. Doyle's character and station —knowing that every word which he uttered would be read by all of his creed, by his own flock, and by the pope himself—nay, that many of his brethren in the ministry were, at that very moment, waiting in the next room ready to be examined themselves, and likely, if he stated what was not true, to be called in to contradict him;—I cannot, I say, think it probable that such a man, so circumstanced, could utter a deliberate falsehood, with detection and exposure staring him in the face. Without giving to Dr. Doyle, therefore, more credit than I would to any other moral, educated, and intelligent man, I am bound to conclude, upon every calculation of probability, that he spoke nothing before the committee, but what he conscientiously believed to be true.—It may, then, be taken to be true, that the opinion stated by Dr. Doyle to be the opinion of the Roman Catholics, is their opinion; and Dr. Doyle solemnly denies, that the spiritual obedience which Roman Catholics render to the pope does or can interfere with their allegiance to their temporal sovereign. His own words are, after a distinct disavowal of the contrary inference,—"There was an objection taken, that the promise of obedience, though canonically made to the pope, interfered with our allegiance to a lawful sovereign; and therefore there was a clause inserted in the oath which removed that objection."

But, is this a new construction of Dr. Doyle's, and on that account to be received with jealousy and suspicion? Or, is it an opinion which has in all times been held by honest and intelligent Roman Catholics? Nothing contributes more to the establishment of truth, than an unexpected and fortuitous discovery of circumstances tending to confirm it. I happened, only a day or two ago, to fall upon an illustration of Dr. Doyle's argument on this subject, in the correspondence between Pope and bishop Atterbury, which struck me as singularly apposite. Pope, as every one knows, was a Roman Catholic. His friend the bishop of Rochester, with a very laudable zeal, was anxious to convert him to the Protestant faith: for which purpose he appears to have pointed out to the poet, the errors of his creed, and then urged the renunciation of them. Pope's reply to the bishop's exhortation was as follows: "I hope all churches and all governments are so far of God as they are rightly understood and rightly administered; and where they are or may be wrong, I leave it to God alone to mend or reform them; which, whenever he does, it must be by greater instruments than I am. I am not a papist, for I renounce the temporal invasions of the papal power, and detest their arrogated authority over princes and states; but I am a Catholic in the strictest sense of the word."

Here, then, I say, is a complete coincidence with what Dr. Doyle has declared before the committees; and I cannot help thinking this accidental testimony of a hundred years ago, written in the strictness of private correspondence, elicited by no controversy, and never intended for publication, as one of the strongest and happiest confirmations that could be brought in aid of the professions of a Roman Catholic of the present day. It is true, that this distinction between spiritual and temporal allegiance has, in the course of these debates, been held up to ridicule as an absurdity: but an absurdity which governed the decision of Pope, and which satisfied the judgment of Atterbury, may be received by less-gifted men with something short of derision [hear, hear]. It must be admitted, indeed, that one of these two illustrious correspondents intrigued against the Protestant succession. But it happens whimsically enough—as if to confute the assumption, that Roman Catholic faith and disloyal propensities are inseparably allied—that the popish poet was the loyal subject, and the Protestant bishop the jacobite traitor.

It is brought forward, as another objection to the concession of any political power to the Catholics, that they are—in Ireland especially—under the absolute guidance of their priests and of their political leaders—men whom they regard with a veneration bordering on idolatry. Sir, I admit the fact; but I lay the blame on another quarter. If the Roman Catholics are idolaters in religion (as we swear at this Table that they are), we cannot help it. But if they are (as is now alleged) idolaters in politics, it is we who have to answer for their error. If we withdraw from them the more legitimate objects of political reverence; if we deny to them, as it were, the political sacraments of the constitution, what wonder that they make to themselves false gods of the champions of their cause—of their spiritual and political leaders? But, fortunately, the cure of this crime (if it be one) is in our hands. Let us open to them the sanctuary of the law—let us lift up the veil which shuts them out from the British constitution, and shew them the spirit of freedom which dwells within—the object of our own veneration. Let us call them to partake in the same rites, with which our purer worship is celebrated. Let us do this, and depend upon it, we shall speedily wean them from their present political idolatry; and leave deserted the spurious shrines at which they now bow down before their Doyles and their O'Connells. [hear, hear].

Sir, I am sure it cannot be necessary

for me to say, that I am not, by taste nor in principle, addicted to political innovation; that I am not easily reconciled to any propositions which recommend it. But I am not, on the other hand, blind to the expediency which may sometimes prescribe it; still less, I hope, would I resist it merely because it is innovation, when founded in justice. In the measure now recommended to the House—I mean in the principle of that measure (this is not the stage for canvassing its details) expediency and justice appear to me to conspire.

Opinion in favour of a settlement of this so long litigated question, gains ground. I do not say that it has yet overcome all prejudices; but it wins upon them every day. Is there no danger that, if you do not anticipate change, change may over-master you? [hear, hear.] If a change must be made; it is surely better that it should be effected while it may be brought about temperately and amicably. Sir, it is absurd to deny, that in the case of the Roman Catholics of Ireland, especially, there is great grievance. Is it not *primâ facie* a grievance, that people should suffer, in their civil and political capacities, on account of their religious persuasion? Is it not a grievance, that the choice of the Crown should be restricted in the selection of its servants, and in the distribution of its favours? Is it not a grievance that a people should wear a badge, marking them out from the rest of their fellow-subjects as objects of suspicion and distrust;—a degrading, disheartening stigma, which necessarily damps their industry, blasts their hopes of honour, and subjects them to a perpetuity of exclusion from which other sects have been long relieved? No man, Sir, can deny that in all this there is great grievance. I do not say that it is an unjustifiable, an inexcusable, state of things; but I say it is a *primâ facie* case of hardship, which requires to be justified and excused by those who approve and uphold it. The burthen of the proof lies with them.

It is said, that the removal of these grievances, the nature of which is hardly denied, will be attended with danger to the constitution.

First, Sir, what is that danger? I ask this question, and I listen for the answer to it, on every stage of this bill; but, to this hour, I have not heard one specific and intelligible attempt to answer it. It is shewn indeed—and I dispute it not—that with a Roman Catholic monarch on the throne,—with a Roman Catholic Pretender contending for it,—or with a Roman Catholic rebellion, either plotting, or in activity, there has been, and would be danger in relaxing all the laws against Roman Catholics. But, that none of those contingencies exist now, is surely a proposition not admitting of denial. That the relaxation of the laws would tend to create any of these dangers, is one which I must hear stated and argued (a task which no man has yet been hardy enough to undertake), before I am called upon to assent to it, or to act as if I believed it.

The hon. member for Derry (Mr. Dawson) has said, that we are in a situation which leaves us only a choice of difficulties; and that no conclusion to which we can come will be satisfactory. I admit that our situation is one of great difficulty; but it is a consolation under our misfortune, and an alleviation of it, that our difficulties would be still greater if we had made them for ourselves. We have not created our difficulties; we inherited them: but it is our good fortune to have the means of curing them in our own hands. When gentlemen deduce an example for our conduct from that of our ancestors who framed the penal laws, at, or immediately after, the Revolution—I beg them to look a little lower down in the page of history, to the conduct of our more immediate predecessors, who relaxed the rigour of the code which remoter generations had framed. With which of these two generations have we the nearer sympathy? which of them was in a situation more nearly resembling our own? and wherefore are we, in our retrospect of history, to skip over the age which commenced a system of mildness, in order to get back to one in which severity was justified upon reasons which have long passed away?

For, Sir, though we have no responsibility for the enactment of the penal laws, let us not charge our ancestors with having passed them without excuse. At the time when the greater part of these laws were enacted, the country was convulsed with the disorders of a disputed succession; and the religion of the party hostile to the existing government was looked upon as the mark of their politics. It was proscribed not so much with the view of pulling down a particular form of worship, as of crushing the political party who professed it. The Catholics were attacked by those who had felt their power when they possessed the political ascendancy, or who dreaded it, if they should again become successful. It is, therefore, unjust to our ancestors to impute to hatred of their fellow-subjects professing the Catholic religion, the precautionary severities which they exercised towards the Catholic Jacobites of their day.

But there is another claim which our ancestors have on our justice. They saw that reconcilement was impracticable;—that the enmity between them and the Jacobites must be permanent and lasting. They sought, therefore, to weaken and break down the power of those whom scruples of humanity alone prevented them from altogether exterminating. They chose, indeed, a mode of effecting this object in cruelty little short of extermination; but the mode which they adopted has at least this praise, that it answered the purpose for which it was devised.

The rack, Sir, is a horrible engine, but it is a beautiful piece of mechanism: so, the penal code was dreadful, but it was admirably adapted to its use. It set children against their parents—wives against their husbands—brother against brother—servants against their masters—and the hand of every man against his kindred and his kind. It entered into and dissevered all the relations of domestic and social life. It, in the result, impoverished degraded, brutified, and paralysed the whole Catholic population of Ireland; and plunged them into the most abject state of moral as well as political debasement. Such, and so effective for its purpose, was the penal code against the Catholics. But, just when this barbarous code had nearly exhausted its powers,—when the last turn, as it were, might have been given to the machinery of the rack, the English legislature grew ashamed of its own work, and shrunk back from the consummation which it had taken so much pains in preparing.

Sir, in the auspicious reign of George 3rd, the first relaxation of the penal code took place. It would be folly to deny that, from that moment, the policy of this country was changed. What the legislature did in 1778, was the first step in this merciful innovation: what has been done from time to time since that period, is in consequence of that first step, and in pursuance of the benignant system then substituted for rigour and proscription. The task which we are now invited to perform is, to persist in the policy adopted in 1778, and to follow it to its legitimate conclusion.

I have often, I confess, turned away with disgust from the consideration of those cruel enactments, which were multiplied year after year, with a perverse ingenuity, each successively appearing to be aimed at some privilege or comfort of social life which had escaped the notice of former enactments, and to be pointed at some new and tender spot on which a more acute pain might be inflicted. I have, I say, contemplated with disgust those ingenious devices of moral and political torture; but I now look back upon them almost with pleasure,—a pleasure, caused not only by the hope, that I am looking at them for the last time, and that justice, though tardy, is at length about to effect their entire and eternal removal, but because it is delightful to compare the slow and painful degrees by which so monstrous a system as the penal code was enacted; and to consider that one vote of benevolence—aye, and of a wise and prudent benevolence, may sweep all remains of it away.

> "———Who but felt of late,
> With what compulsion and laborious flight
> We sunk thus low? The ascent is easy, then."

Why am I compelled to add

> "Th' event is feared!"

What is there to make us fear it?—I again press this question upon my opponents, and implore that they will condescend to answer it.—What is there to deter us from this final effort of mercy?—Is it the fear that after we have taken the Catholics into the constitution, they may turn their newly-acquired political capacities against us? Is that probable? Is it practicable?—How? Where? Why? And even supposing it possible to be made, could such an attempt be successful?

But, let us look at the other part of the difficulties which the hon. member for Derry represents as besetting us. Can we go back to the policy of king William and queen Anne, and re-enact the penal code? Can we stand where we are? Is not the opinion which enabled us to make that stand failing us? Since the commencement of this debate we have witnessed a splendid illustration of the manner in which prejudices of long standing have yielded to the force of circumstances and to the voice of reason. It was impossible to listen to the manly and candid avowal of the hon. member for Armagh (Mr. Brownlow) admitting the prejudices and apprehensions which birth, education, connexion, habit, had created and confirmed in him, and unequivocally renouncing them all,—it was impossible, I say, to hear that ingenuous declaration and to consider the space which that honourable gentleman fills in the eyes of his own country, without acknowledging, that his speech was a fact of the most important nature, and that as great a change was wrought by it in the practical state of the question, as it evinced to have taken place in the feelings of his own mind.

The impressions produced by that speech, have been deepened and strengthened by the successive avowal of a similar kind from an hon. and gallant officer (col. Pakenham) whose plain, strait-forward narrative of the opinions and feelings in which he had been nurtured, and of the change which those opinions and feelings had undergone, composed one of the most powerful arguments that I ever heard delivered on this subject,—and from another hon. gentleman, the member for the county of Down (colonel Ford), whose brief but emphatic declaration of opinion was at once a proof and a model of honest and honourable conviction.

If these are indications of the state of opinion in Ireland, can any one have heard the speech of the hon. member for Dorsetshire (Mr. Portman), and of the noble lord behind me (lord Valletort) without being satisfied, that the settlement of this great question is an object of intense anxiety to Englishmen—whose judgments are as free from bias, as their motives are from the possibility of suspicion?

Such manifestations of Protestant feeling, I trust, will be met with corresponding feelings on the part of the Roman Catholics themselves. Our business, however, is not to negociate with the Catholics, but to legislate for them—to legislate, I hope, in accordance with the mitigated spirit of the times in which we live, and with the improved condition of the Catholic population of Ireland. How greatly has that population increased in wealth, in intelligence, in activity, in industry, as well as in numbers! With these advantages must have increased, in a corresponding degree, the desire of acquiring that political rank, which naturally belongs to wealth and station in society? In raising them from the state of degradation in which our ancestors had placed them, you have given them too much if you have not given it for a noble purpose—if you have only lifted them up to a nearer view of the blessings which you would yet persist in withholding from them. Far better, perhaps, would it have been to have allowed them to remain in the debased and degraded situation to which they were reduced, than to raise them partially, and then to interdict their further elevation,—to stimulate and excite every generous principle, and then to deny to those principles the opportunity of being called into action.

My right hon. friend the Secretary for Ireland, is panic struck at the prospect of taking one step in advance. He foresees the overthrow of the constitution from the admission of a few Catholic gentlemen into Parliament; but there must be, as it appears to me, a long chain of deduction between his premises and his inference—the links of which chain, I must confess, I have not the perspicacity to discern. What can that force be, of which my right hon. friend is so afraid? Is it physical force?—Why, physical force is more likely to be applied to a door that is shut, than against a door that is open [cheers, and a laugh]. The mass which would be broken and dissipated by gradual admission, presses with accumulated strength against the bar of an inexorable exclusion. For it should always be remembered, that it is not political power which is proposed to be given by this bill, but eligibility—not fruition, but the capacity to enjoy. The Protestant Crown will still be master of its own choice; and the Protestant population of this country will have prejudices enough—honourable prejudices—to oppose to any symptom of abuse, to any, the most distant alarm of mischief, from an undue infusion of Catholics into office or into Parliament.

My right hon. friend says, the Roman Catholics will never be satisfied—that they will go on insisting upon more and more until his prophecy respecting the overthrow of the Constitution is fulfilled. But, can you suppose that the Roman Catholic gentlemen, or the Roman Catholic labourers, or the whole Roman Catholic population combined, in all their gradations, can ever hope to seize the powers of the state? Is this a probable—is it even a possible event? Suppose that, in the first session after this bill passes, five or six Catholic gentlemen are admitted into parliament. The new comers would be, at first, I dare say, objects of curiosity, of distant observation, of cautious and circumspect avoidance. They would have some inquisitive glances to encounter; and some doubts would be excited, and, perhaps, some wagers laid, as to their capacity to use the organs of ratiocination like less superstitious men. We should naturally suspect crucifixes in their walking-sticks, and relics in their snuff-boxes. But all this strangeness would wear off. In the course of a session or two we should venture upon a nearer approach; first, in little knots of two or three — taking care always to preserve a majority,—at last, perhaps, when we grew bolder, alone. Nay, the time would come, when we should actually manage to sit beside them, with as much ease as we now manage to sit beside Unitarians — of whom we think more favourably only because they believe less than we do, whereas the Roman Catholics believe more; as if, to use an expression of Mr. Burke's, "he is the best Protestant who protests against the greatest number of doctrines." But, as to what is put forward as the greatest object of apprehension—the intemperance with which Roman Catholic members would advocate the Catholic claims, very sure I am that no Catholic gentleman will be found to say such things upon that subject as we heard a Protestant representative of a Catholic county say the other night,—threatening, and almost inviting resistance if this bill should not pass into law. A Roman Catholic would not be obliged to launch into such extravagance of argument, in order to satisfy his Roman Catholic constituents of his sincerity.

One of the objections to the bill is, as to time. But, let me ask, Sir, is there any man that hears me who conscientiously believes that in ten or twenty years from this time, the relief sought for by the Catholics will not be granted? And if there be not among the violent of the opponents of this measure, one person who holds this belief, what is the real question for our consideration? Is it not simply whether the boon to be bestowed shall now be given, and we have the grace of giving it while it may yet be received as an act of grace? Unless it is believed that the present state of Ireland can continue,—surely the time is come. Again and again I beg our opponents to descend from generalities to specification. What are the injuries that they foresee as likely to accrue to the constitution,—to that constitution which is held up to the Irish as something for which they are bound to shed their blood,—but the beauties of which consist not in the liberties it imparts—not in the equality of rights which it bestows on all the people living under it,—but in the scrupulous exclusion from its benefits of those Catholics, whom you call upon to venerate and uphold it. To reason in this manner with the Roman Catholic, is not to treat him as an intelligent being. Show him a good reason for his exclusion, and exclude him—and tell him so—for ever. But, if that exclusion was originally enacted on temporary grounds,—if those grounds have ceased to exist—it cannot, it is not in the nature of things, that it should continue for ever. And if it is not to continue for ever, the time for removing it is now come. In proportion as the prosperity of the country is great—in proportion as the country is rich and powerful,—in proportion as it is free from external danger, as it is spreading and widening the basis of its strength, and unfolding its immense capabilities of improvement,—just in that proportion are we in a condition to give the boon asked by the Catholics, without being liable to the misconstruction of its having been forced from us by necessity, or extorted by intimidation.

I hope, Sir, that I should feel the disgrace of yielding to menace: and I think, moreover, that I have proved to my right hon. friend during the present session, that I am prepared to vindicate the honour of this House, and to uphold the supremacy of the law under whatever pretext, or with whatever object the violation of it may be attempted. I could understand the feelings of those who refused to go into this question at times when to grant it might be imputed to the difficulties of the country, or the consequent weakness and apprehensions of parliament. But, Sir, a time is now come, suitable beyond our hopes and our expectations. Who can look on the high and palmy prosperity of the country, and not wish to mark this auspicious state of things by a signal act of beneficence to a portion of our fellow-subjects, who have toiled at our side in the day of our distresses and difficulties;—transmitting the record of this act to our posterity as a testimony of our just and grateful sense of the favours which Providence is now heaping upon our heads, and thus consecrating the present æra for all time to come in the annals of British legislation? Let us do this — and come a change of fortune when it will, we may meet it with regret, indeed, but without repentance. We shall have made this glorious moment irrevocably our own.

> ———"Non tamen irritum
> Effingit infectum que reddet
> Quod fugiens semel hora vexit."

Although this, Sir, is not the time for entering into a discussion on the particular provisions of the bill; I will nevertheless avail myself of the opportunity to offer one or two remarks upon them: the rather, as I fear I may not have another opportunity of addressing the House during the progress of the bill.*

My right hon. friend, the Secretary for Ireland, has divided the bill into three distinct parts,—the preamble,—the oath,—and the commission for the security of the Protestant church.— As to the preamble, which consists of a declaration of the stability of the Protestant established church and constitution, my right hon. friend states, that it is nothing but words. Why, Sir, so are all laws nothing but words. But, what are the oaths on which you now rely for safety—what are your abjurations and declarations at this table, but words? Harsh and ill-sounding words many of them, and angry words, to be sure! but, why cling so fondly to negative legislation, to phrases of contempt and expressions of abhorrence,—and reject, as idle and inoperative, vows of attachment and professions of allegiance? Why think that a legislature is to be prone to denounce what it hates, and never ready to commend what it approves?

Again, it has been objected to the oath in the bill, that it is too long, that it is more like a bill of indictment in which every possible crime is enumerated, than a protestation against imputed doctrines. Sir, I entirely agree with my right hon. friend, that it is so. But, my right hon. friend forgets that the bill has to pass another House, in which there exists a very nice sensibility on all these matters. In the last bill which was sent up from this House, that oath had been curtailed: but then it was made an objection to the measure, by the lovers of ample adjurations, that the good old oath was not at all too long, but that the new one was too short by the head and tail. Its shortness begot many surmises of evil intentions. In drawing up the present bill, therefore, the old long oath, with all its sinuosities and superfluities, had been restored (for my right hon. friend must know that it is only restored, not now for the first time established). But, no sooner is this done, than my right hon. friend turns himself rapidly round again, and now finds the present oath too long, forgetting that it has been let out at the special suggestion of those with whom he acts on this question in the other House of Parliament.

The oath, such as it is, was framed in 1793. It is, therefore, unfair in my right hon. friend to come forward with these objections at the eleventh hour; and to attack the supporters of this measure for that which is no invention of theirs,—which they would have omitted, if it had been left to their own discretion.

Next, Sir, as to the commission for superintending the correspondence with the see of Rome. My right hon. friend has argued the matter as if the framers of the bill were first *instituting* that correspondence with the see of Rome, and then endeavouring to guard against the danger which they themselves created. But, Sir, the very reverse of this is the fact. The correspondence exists; it is notoriously going on every day, and we are only endeavouring to regulate and restrain it. The question is not so much whether this security is sufficient, as whether you will have any security or none: at present you have none.

I repeat, Sir, that every day a correspondence is openly and notoriously carried on between the Roman Catholic bishops in Ireland—aye, and the Roman Catholic bishops or vicars apostolic in England too,—and the court of Rome. Every thing that relates to the affairs of the priesthood, and much that relates to the most important concerns of private life—to marriages and baptisms—forms the subject of regular communication with the see of Rome. All this my right hon. friend appears to view with the utmost complacency. He has no thought of checking it, so far as I can make out from his speech: and yet all this is in contravention of the existing laws.

It is true that the penalties imposed by those laws are so enormous that neither my right hon. friend nor any man of common humanity would wish to see them enforced. Therefore it is, that the framers of this bill endeavoured to cure the evils of this system by a precautionary supervision. It was no peculiar duty of theirs to do this. The evil does not grow out of any thing that they propose. They find it existing in full force: but so finding it, and finding that no one of the anti-papists has any thought of mending the matter, they gallantly and generously, and as a work of supererogation attempt to deal with it. And what is their reward? Why, that they are not only reviled for the ineffectualness of their remedy, but are held responsible for the existence of the evil.

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* Mr. Canning was labouring at this moment under a severe attack of the gout; which afterwards confined him to his chamber for some weeks.

Sir, for my part, I say, if the opponents of this measure believe the correspondence with the court of Rome to be so full of danger, I call upon *them* to propose a remedy for that evil which is now in full existence,—a remedy which they can venture to carry into execution. The present laws are so severe that they cannot be executed. I call upon the opponents of the bill, therefore, to say how they propose to deal with the evil which the throwing out of this bill, will only tend to confirm. Than the state of the law as it now stands nothing can be more monstrous. I had recently occasion to know this. Soon after I entered upon my present office as Secretary of State for Foreign Affairs, a letter was addressed to his majesty by the pope. It was, of course, transmitted to my office; but I could not venture to advise the king to open, much less to answer it, until I had consulted high law authorities as to the legality of such a proceeding. I accordingly did consult them, and I found, as I had previously expected, that by tendering such advice to his majesty, I should render myself liable to the penalties of præmunire. Accordingly the pope's letter remains unanswered to this day. Such is the operation of the present system. Can any thing be more stupid? But, thus it is to remain; because the opponents of this question prefer those laws with the known, constant, daily, unchecked evasion of them, by persons less scrupulous than I was, to some regulation of the correspondence with the court of Rome.

So much for the main objections to the frame of the bill upon your table.

And now, Sir, a few words with respect to the other measures which, it is said, are to be associated with it. I begin by saying, that I am perfectly contented to take the present bill as it stands, without the proposed auxiliary measures. I must, in fairness, declare, that upon those measures I have by no means made up my mind. With regard to one of them, I have much to learn before I can make up my mind to support it. I cannot look at it abstractedly with favour. But if by raising the elective franchise in Ireland, to a higher qualification than that which the present law requires, I could not only get rid of the opposition of those who have long been the avowed and most efficient enemies of the simple measure of Catholic relief, but convert them into active and zealous friends, I own the temptation might perhaps overcome my scruples,—and induce me, though I fear with a somewhat questionable morality, to consent to support this doubtful change, and in order "to do a great right," be ready to do "a little wrong." On general principles, I should undoubtedly oppose disqualification. The very word is odious. I expressly limit my willingness to take this proposition into consideration, with the declaration that I do so under the persuasion that a freehold qualification of forty shillings in Ireland, is a very different thing from a freehold qualification of the same nominal value in England, and that in striking at this symbol of free election in Ireland, I am not, in fact, violating the essence of freedom. This is what I expect to have shewn to me by persons well informed upon the subject.

With respect to the principle of the second proposed measure, that of making some provision for the Roman Catholic clergy of Ireland, it is one which was in contemplation long ago—in the time of Mr. Pitt—and for the execution of which I believe some practical steps were taken during lord Cornwallis's administration in Ireland. The principle of this measure (for of the details I have no knowledge) has therefore authority which I highly respect in its favour; and nothing which I have heard in the course of this debate, has altered that favourable impression. The objection that the Protestant part of the community would thus be taxed, in order to raise the funds out of which the Roman Catholic clergy are to be paid, may be met by asking whether the Catholics do not contribute to the taxes out of which the *Regium Donum* to a portion of the dissenting Protestant church in Ireland is yearly paid? Observe, I am not saying that the payment of tithes by Roman Catholics to the Protestant established church forms any precedent for this argument: no such thing. That payment is necessarily incident to the fact, that the Protestant church *is* the legal establishment. To every thing which can ameliorate the system of collecting tithes—to every thing which can tend to shift the burthen of it from those who could not, to those who could bear it, I am willing to give, (and this and the other House of parliament have given) the most anxious and favourable consideration. Any measure which should go to invade the establishment of the Irish Protestant church, and to alienate the property assigned for its support, I am firmly prepared to resist.

But the *Regium Donum* to the Presbyterian church appears to be in point of principle, the very measure which it is now proposed to extend to the Catholic, and seems to afford a precedent on which it might safely be modelled, when the time shall come for settling the details of such an arrangement.

Sir, I have thought it fair to state the present impression on my mind, with regard to the forty-shilling freeholders, and to the provision for the Catholic clergy, (subject as that impression is, to be modified hereafter, by more perfect information than I now possess)—because many gentlemen have stated the carrying of those measures to be a condition of their support to the bill now on the table. For the sake of their support, I shall be anxious to vote, if I can, in favour of those measures; but in case they should not be carried, or in case I should myself, on further explanation and discussion, see reason to disapprove of them, I will not, therefore, withdraw my support from the present bill.

Those measures may be auxiliary to the bill for the relief of the Roman Catholics from civil and political disabilities; but I do not intend to wed myself to them or to either of them. I am wedded only to the great question itself—that question which involves the future tranquillity of Ireland, and therein the general welfare of the British government and nation.

Sir, this declaration recalls to my mind the only other point on which I wish to say a few words, and with which I shall conclude. In proportion as we become great and powerful—as our resources continue to out-grow the resources of other nations; it is in human nature that something of an invidious feeling towards us, should grow up in the world. It is a fact which implies no sentiment of enmity—no hostile spirit towards us. It is, as I have said, in the nature of men, that rivalry should generate, not hatred—but perhaps envy—and a desire to seek for consolation in some weaker point of the character of a too successful competitor. Never was there a moment of which the continuance of peace through out the world was more probable. But even in peace, the wary politician will calculate the means, and forecast the chances of war.

I say, then, that whatever rival nation looks jealously into the state of England to find a compensation for all her advantages, and a symptom of weakness amidst all her power, will fix—does fix—as if by instinct, its eyes on the state in which we keep the Catholic population of Ireland. "There," they say, "is the weakness, there is the vulnerable point of England." How sad that they should say this with so great a semblance of truth!

Shall we then continue still to cherish a wound that is seated near the vital parts of our greatness? shall we not rather disappoint those who wish us ill (if such there be) and give comfort and confidence to those who wish us well—by closing the wound which has so long remained open and rankling, and by taking care that before we are ever again called upon to display the national resources, or to vindicate the national honour, it shall be so far healed, as that not even a cicatrice is left behind.

Such a state of things, Sir, is, in my conscience, I believe, as practicable as it is desirable. My earnest prayer is, that the House may adopt such measures as will tend to accelerate so blessed a consummation. And, as it is my hope, that the bill now before us, if it should pass, will tend to that result, I give my cordial support to the motion that it be now read a second time [loud and long-continued cheers].

Mr. Secretary *Peel* said, that the House would, he was sure, believe him, when he stated that nothing would have been more gratifying to himself individually, than to have been spared the painful duty of addressing it upon this occasion. The subject, though important in itself, was one on which he had so often obtained an indulgent hearing from the House, that he felt considerable reluctance in claiming it once more, and that reluctance was rather increased than diminished, when he recollected that he had not only to follow his right hon. friend, but also to state the grounds on which he differed from him in opinion. His right hon. friend knew with what cordiality he agreed with him upon all other occasions; and would therefore readily give him credit for sincerity, when he declared it gave him the utmost concern to differ from him on the present. But, if he saw greater danger and less benefit arising from this bill than his right hon. friend did—if he thought that less evil would accrue to the country by adhering to the existing system, than by departing from it—he was sure that he should not lose the esteem of his right hon. friend for publicly stating the grounds on which he came to so different a conclusion.

Before he noticed the various topics to which his right hon. friend had alluded, he would beg to leave to advert to that which appeared to form the chief feature in the present debate—he meant the conversion of several members who had formerly taken the same view of this question that he was now going to take, into supporters of the measure. He had heard, and with the most perfect conviction of his sincerity, the avowal of the hon. member for Armagh, that he had changed his opinion upon it. If he (Mr. Peel) had changed his own opinion, he should have been most ready to avow it; but as he had not changed it, he trusted that his honourable friends would give him the same credit for purity of motive in retaining it, that he gave to the hon. member for Armagh in abandoning it. On this question he had always pursued a course which he considered a course of moderate opposition to the claims of the Catholics. His opposition to them was decided, but unmixed, he trusted, with any feelings of ill-will or animosity. He had never said, that the number of petitions presented against them was an insuperable bar to conceding them; nor had he ever encouraged the presentation of any petitions. If not a single petition had been presented on the subject, he should have acted upon his own judgment, and should have opposed the claims, as he now intended to oppose them, just as he should have admitted that, had the petitions been ten times as numerous as they now were, they formed no insuperable bar to the granting of the claims, supposing the House felt, that the alarm which had given rise to them had no justifiable foundation. He therefore agreed with his right hon. friend, that though the number of petitions which had recently been presented was an indication that this measure, if carried into a law, would not give universal satisfaction, still it left the House at perfect liberty to grant the claims of the Catholics, if it should be of opinion that, in point of equity and expediency, they ought to be granted.

To return, however, to the point from which he had unintentionally digressed. He had been noticing the conversion of his hon. friend, the member for Armagh, and had been proceeding to offer a few remarks on the nature of it. His hon. friend had said, that, in consequence of the attention he had given to the evidence which had been tendered before a recent committee, the ground on which he had formerly opposed Catholic emancipation had been entirely cut away from under him. If that were the case, he could only say that it convinced him that the grounds upon which his hon. friend had opposed it, had always been very different from those upon which he opposed it. His hon. friend declared, that his opposition to the claims of the Catholics had relaxed, because he had heard Dr. Doyle deny that it was a tenet of the Catholic church that the pope had power to excommunicate princes and to depose them from their sovereignty—that faith should not be kept with heretics, and that the temporal power of the pope was not admitted in Ireland. Now, this was not the first time that all these tenets had been solemnly disclaimed by the Catholic church. Had his hon. friend been so long in the habit of opposing the Catholic claims, without hearing of the answers of the foreign universities to the queries propounded to them by Mr. Pitt? If his hon. friend had at all examined into the point, he would have found, that all the answers received by Mr. Pitt contained an express denial of the three tenets he had just mentioned: he would have found the same denial avouched in the oath which the Catholics now took: he would have found that they had long abandoned, in word at least, the temporal authority of the pope: and, therefore, if he was now satisfied for the first time upon these topics, he had not attended with sufficient care to the evidence which had already been collected and submitted to the notice of parliament. But, said his hon. friend, "matters cannot long stand as they now are: and therefore, in order to bring them to some better arrangement, I will vote for the second reading of this bill." His hon. friend, however, went to add, that unless some other measures were attached to it in the committee, his assent would be recalled, and he should oppose the bill on the third reading. For his own part, he must confess, that he was somewhat surprised by the conduct of his hon. friend. His hon. friend said, that he voted for the bill because he wished to have a better settlement of matters than now existed; and yet, if the measures to which he alluded were not carried, he was going to pursue that line of conduct which would leave matters just in the same state that they were at present. Now, as he (Mr. Peel) did not attach any very great importance to the two measures to which his hon. friend attached so much—he meant the alteration in the elective franchise, and the qualified establishment of the Catholic priesthood—he thought he was taking a more consistent course than his hon. friend was, in giving his decided opposition to the second reading of this bill.

His right hon. friend (Mr. Canning) had opened his speech by referring to the petitions which had been presented against the bill, and had said, that they were founded in erroneous notions, that they exhibited absurd apprehensions of danger, and that they evinced the most extraordinary ignorance of its nature and its provisions. In proof of his assertion, his right hon. friend had alluded particularly to one petition, which certainly did make out the charge which he had advanced against them. The persons who signed that petition approached the House with all humility, and prayed it not to place the Roman Catholics, as it was going to do, in a better situation than that in which it had placed the Protestant Dissenters. His right hon. friend had said, and said truly, that the object of this bill was only to place the Roman Catholics on the same footing with the Protestant Dissenters; and had then proceeded, with his usual talent for raillery, to ridicule the error into which the petitioners had fallen. Undoubtedly, the petitioners, if they looked at the bill, would see that they had committed a mistake; but, their mistake was pardonable, if they had had access to a recent speech of his right hon. and learned friend the Attorney-general for Ireland, who had demanded in that House for the Catholics, an equality of civil privileges as their abstract natural right, and had said, that a refusal of their claims would be as unjustifiable, in point of moral justice, as a downright invasion of their property. After such a declaration, the petitioners had almost a right to say, that the effect of this bill was, to give the Roman Catholics privileges superior to those enjoyed by the Dissenters, since the Dissenters were protected by annual indemnity bills, and yet no such protection was deemed necessary for the Catholics.—His right hon. friend had likewise noticed the petitions of the clergy against this bill, and had thought it strange that so much theological discussion should have been introduced into them. Now, he could not participate at all in that surprise. The second clause in the preamble to the bill referred to "the doctrine, discipline, and government of the Protestant Episcopal Church of England and Ireland," and stated, that it was essential to preserve it "permanently and inviolably." And yet, such alterations were now contemplated in the bill, that the clause was quite unnecessary. For the question was not any longer, whether the House would admit Catholics to a share of political privileges, but whether it would consent to a qualified establishment of a Roman Catholic church. Now, if the doctrine, discipline, and government of the church of England were to be permanently and inviolably maintained, it became necessary to consider, what that doctrine, discipline, and government was, and where it was to be found explained. The doctrine of the church of England was to be found in what were called the Thirty-nine Articles. Amongst those articles he found one containing a protest against the establishment of the church of Rome. When, therefore, a clergyman of the church of England heard that measures were proposed in parliament, for paying professors of that very religion against which he was bound, in the discharge of its functions, to protest, what was there in his religious creed to prevent him from petitioning firmly but respectfully against such a measure? In the Articles of the church of England it was stated, that the administration of the sacrament in a language which the vulgar could not understand, was contrary to the word of God—that the adoration of saints, the worshipping of images, and the sacrifice of the mass, were not sanctioned by the Bible; and that the pope had no jurisdiction, either temporal or spiritual, within this realm. Now, when the clergyman of the church of England was told that the doctrine, discipline, and government of his church was "established permanently and inviolably," and yet saw that it was intended to erect a modified establishment for another church which held as articles of implicit faith those articles which it condemned as contrary to the Bible, and as unsanctioned by the word of God, had he not reason for thinking, that the time was at length come in which his duty compelled him to introduce into his petition, matter which trenched closely upon theological discussion?

He must confess, that he was himself somewhat surprised at the two first clauses in the preamble of the present bill. They were as follow:—"Whereas the Protestant succession to the imperial Crown of this united kingdom and its dependencies, is, by the act for the further limitation of the Crown and the better securing the liberties of the subject, established permanently and inviolably: and whereas the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, are, by the respective acts of union between England and Scotland, and between Great Britain and Ireland, therein severally established permanently and inviolably." Now, why were these two clauses introduced into the preamble? There was no clause in the bill which provided for the permanent and inviolable security of the Protestant establishment. These clauses had some connexion with the first bill that was introduced by the late Mr. Grattan; for they were there followed by a third clause to this effect—"And whereas it would tend to promote the interest of the same, and strengthen our free constitution, of which they are an essential part, if the civil and military disqualifications under which his majesty's Roman Catholic subjects now laboured were removed." That clause was omitted in the present bill; for to say that the privileges which it conferred upon the Catholics were intended to promote the interest of the Church of England, and to strengthen our free constitution, would be an absurdity too great for any man at this time of day to think of believing. He had, therefore, some apprehension, from these two clauses being still inserted in the preamble, that there was, in the enactments of the bill, something pregnant with hidden danger to the constitution. The House would recollect, that, in the feast in Macbeth, that tyrant, before he went round the table to pay his respects to his guests, expressed an anxiety for the presence of Banquo, whom he had doomed to die. One of the commentators had remarked, that this single touch of nature showed a greater consciousness of guilt in Macbeth's mind, and excited a stronger suspicion that he intended mischief to Banquo, than a thousand laboured speeches could have done. He, too, thought, that the anxiety for the welfare of the church of England exhibited in the preamble, and not followed up in any of the enactments of the bill, was one of those touches of nature which showed a consciousness of danger in the bosoms of the framers of the bill; and which ought to excite a lurking suspicion that all was not so correct in it as at first sight it appeared to be. The constitution, he contended, was virtually altered by this bill. The bill of rights was repealed by it. That bill provided, by an enactment as solemn as an enactment could be, that the oath taken by every person, on his admission to office, should be the oath of supremacy, which asserts, "that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm." This oath—he said nothing at present about the declaration against transubstantiation, which stood on different grounds—this oath was now to be repealed. He did not deny the right of the House of Commons to alter this oath, if it thought good; but, he must say, that, when they told him that they wished to secure to the church of England permanency and inviolability, and when they altered that act which provided for it most effectually, he had a right to ask what security they had to give him for the fulfilment of their promises? He was not going to deny, that the maintenance of the succession to the Crown in the Protestant line, together with the necessity of two or three of its principal officers still remaining Protestants, was an important security. Still it was worth while to examine what it amounted to. It amounted only to this—that the individual who came to the throne should make the declaration against transubstantiation, and should be in communion with the church of England. All the security of surrounding him with Protestant counsellors was altered. This made it necessary to consider how it was that James 2nd endeavoured to effect his purposes? "By the assistance of divers evil counsellors, judges, and ministers employed by him"—he used the language of the bill of Rights—"did he endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom." The House would therefore see, that, though the king was obliged to be in communion with the church of England at his accession to the throne, he was left at liberty, by this bill, to make his selection of counsellors amongst his Roman Catholic subjects. What might be the consequence of such an event? He would suppose that the individual who filled the throne, after he had taken the oath against transubstantiation, found the grounds of his creed to be erroneous, and considered the ancient religion of the country to be the wisest and the best. He would suppose that he took advantage of the liberal doctrine which had been that night advanced, that a man's religious opinions were not matter of his own choice, and that it would be the height of intolerance to subject him to any disqualification on that account. Now, he would say, that if a king or queen of this country, with a mind liable to the influence of designing persons, after his accession, were to become a convert to the Catholic faith, and were to declare his or her adherence to it, the peace and tranquillity of the country would rest on the will of a single mind. An attempt to dismiss that individual from the throne, because he had, upon conscientious principles, changed his religious faith, might be productive of very serious convulsions in the country. In the reign of James 2nd it had produced them; and in that of Charles 2nd, the suspicion of such an event had given rise to the precautions which it was the object of the present bill to get rid of for ever. He knew that such an event might occur under the present system; but, if the ancient barriers of the constitution were broken down, and the sovereign was enabled to surround himself with Catholic advisers, facilities for it would be created which at present had no existence. He allowed that the danger he was now describing was merely speculative; but, when the fundamental laws of the country were going to be repealed, it was right to look even at speculative danger. The hon. and learned member for Plympton had told them that they were not to look at the clouds with a telescope, and disregard the immediate danger at their feet. Agreed; but still they were bound to be cautious; and, if they saw a cloud in the sky, which at present was not larger than a man's hand, they ought to recollect that it might, ere long, overcast the firmament, and involve the whole face of nature in gloom and desolation. Against this they were bound to provide. Let us act towards those who were to succeed us, with the same caution and prospective regard with which our ancestors acted towards us; and let us not, for any temporary convenience, diminish the strength and security of our institutions. Let it be recollected, that we were not now deciding on the formation of new institutions. The question was not, whether our form of government was to be republican, where all religions were admitted equally to the participation of political power, but whether, being a monarchy, with the Protestant religion established by law, and interwoven with that monarchy, we were now prepared to abandon those securities by which that government was preserved and supported? It was to be recollected, also, that the temporalities of the church of Rome had been transferred to the Protestant church; and that, upon the principles of human nature, those who professed the tenets of the former, must view with jealousy, and consider as an usurping body, the latter. Without imputing to the Roman Catholics any immoral feeling, under the circumstances in which that religion stood in relation to our establishment, he undoubtedly considered it unsafe to legislate for it. In that view, he could find no security in the assurances which the proposed oath demanded. What, he would ask, was the practice of the constitution under circumstances analogous? When the legislature disqualified revenue officers from voting for members of parliament—when it denied to the clergy the capacity of sitting in that House—it at once founded its disqualifications on the undue influence by which it presumed, on the general principles of human nature, those classes would be actuated. It legislated on that ground, and wholly disregarded all securities which declarations, under such circumstances, afforded. The recollections of history teemed with illustrations of the same principle. When he found, for instance, such a man as Mr. Charles Butler, a most able and highly-respected individual, entertaining the conviction, that the reformation had not led to the temporal prosperity of this kingdom; that it had not accelerated the revival of learning—opinions which, as conscientiously entertained by that gentleman, he would not quarrel with—but, he would say, that with such opinions it was impossible that the individual who entertained them should not consider the dispossession of his church of its temporalities by the church of England, as a great act of injustice; and that therefore, with such impressions, he was not qualified to legislate for a state essentially Protestant. He felt the same conviction when he was told to refer to the statements of Dr. Doyle, as given in evidence before the parliamentary committees; and on that point he must declare his total inability to reconcile the former acknowledged publications of that very able and reverend gentleman, with the testimony given by him in those committees.

The right hon. gentleman here proceeded to read extracts from the publications of Dr. Doyle, addressed to the Roman Catholics of Ireland under the signature of J. K. L., and which in eloquent language described the state of the Protestant church in Ireland, and the extent of the sacrifices, which, at the expense of food and raiment, the Irish peasant was called upon to make for its support. When such were the acknowledged opinions of one of the most acute and learned prelates of the Irish church, he must be excused for entertaining doubts of the expected efficacy of the measure of conciliation, as it was called, now in progress, with persons professing to hold such sentiments. So that, with whatever qualifications this bill was accompanied, he hoped he should be also excused by his hon. friend, the member for Armagh, for confessing himself not to be converted by the new lights which had been shed upon the question. As to the incorporation of the Roman Catholic clergy with the state, he would fairly own that he objected to it, not because they believed in the doctrine of transubstantiation, but because he could not reconcile himself to the operation of that civil influence which he believed to attach to their religious system, and which held a sway over the temporal conduct of mankind. It was not of the religious, but of the civil tendency of the doctrines that he complained; and while he was ready to treat with charity and tenderness the private scruples of any man's conscience, he could not behold with complaisance such a branch of faith as that of Confession, which (and he avowed it with sorrow) tolerated one man's communication to another of his intention to commit a murder, but restrained that other from divulging the information to the intended victim.—A good deal had been very adroitly said by his right hon. friend, of the distinction between transubstantiation and consubstantiation, and of the manner in which the doctrine of absolution was maintained in other countries; but, there was a wide difference in this respect with what was taught the Catholics, and the impression made in consequence upon the minds of an ignorant and credulous peasantry, who were disallowed the privilege of reading the Scriptures, and forming a just judgment for themselves upon these doctrinal points. He could himself understand the distinction attempted to be drawn between the extent of the power of absolution supposed to be enjoyed by bishops, as distinguished from that held by the priesthood; but did the ignorant peasant make all these nice calculations, and weigh them justly in a moral scale? Then, as to the doctrine of indulgences, and their natural influence upon the temporal conduct of the people, it afforded no satisfaction to him to hear Dr. Doyle describe the scale upon which such indulgences were estimated, their extension to seven years, beyond which they could not prevail, or their shorter quarantine of forty days; enough was it for him to know what must be their effect on the popular notion of the remission of the temporal punishment of sin. And these were the difficulties which met his view whenever he looked at the question.

But, he was asked whether he thought the law could remain upon its present footing? That was a question which he was not at the moment prepared to determine; at the same time that he begged always to be understood as ready to remedy every just ground of complaint which the

Catholics might have against the administration of justice, and to remove every irritable cause of party excitement. It was this feeling which led him last year to express his difference of opinion from his hon. friend (Mr. Brownlow), who had then gloried in being an Orangeman, and with whom he was also under the necessity of differing as strongly now. He was most anxious to allay these differences, and to reform and relax the penal code, so far as was consistent with the stability of the Protestant establishment. He would make all reasonable concession to the Catholic, while he would maintain the Protestant character of the throne, the parliament, the church, and the judicial bench. Short of all these he was ready to concede; but more he could not relax. He strongly condemned that line of argument which went to impress the minds of the people with a persuasion, that the present policy of the law could not be supported, and which was calculated, in its result, to induce them to swell into demands, requests which were originally couched in terms of deference and respect. He could not approve of exciting the hopes of the people, as they had been excited with regard to this question, by appeals to abstract principles of civil right, and by attacks on the government; for it was always painful to have to retard the accomplishment of what many might think to be a general wish. If he were told that this was bigotry—if he were told that it was impossible to abstain from giving the Catholic religion the perfect toleration now sought—his answer was, that he was sorry for it; and that if such concessions as those now required were granted, he was apprehensive the time would not be very far distant, when other concessions of a very different nature would be demanded. That the great body of the Catholics would experience considerable dissatisfaction, should parliament reject their claims, he by no means doubted. But, to whom would that dissatisfaction be attributable? Not to himself, or to those hon. gentlemen who thought with him, and who had never encouraged the expectations of the Catholics, but, on the contrary, had witnessed the growth of those expectations with deep regret. The dissatisfaction would be owing to those who had excited extravagant hopes in the Catholic mind. Undoubtedly, the occurrence of any disappointment, on the part of so large and important a body of his majesty's subjects, must be to him a subject of painful contemplation; but he had the consolation to know, that he never concurred in the propriety of the doctrines maintained by the advocates of what was called Catholic Emancipation, and therefore could not be considered responsible for the consequences of those doctrines. His right hon. friend had always disclaimed any thing like negotiation with the Catholics, and had said, he would legislate for them, not treat with them. But, what had been the course pursued during the last ten years? What was the history of the securities that were to accompany the relief to the Catholics? Did it not prove, that whatever might be said of the disposition to legislate for the Catholics and not to treat with them, concession was constantly made to the Catholics, and no concession to the Protestants? The first security that was offered was the Veto. Such a security existed in every Protestant state in Europe. And, was it not enough to excite surprise, to find in this Protestant kingdom (for so it was designated in the bill of Rights) the Crown called upon to pay the professors of religion, in the appointment of whom it was denied any influence? But thus it was; and any attempt of the Protestants to legislate on the subject was termed bigotry. The Veto was abandoned; and, in 1821, his right hon. friend produced those securities which he, no doubt, thought adequate on the one hand and necessary on the other. On looking for those securities now, however, they were nowhere to be found. They had been entirely done away with, and others substituted. The securities having thus grown

"Small by degrees, and beautifully less,"

were now become so exceedingly minute, that they could not well be reduced any further in size. They had sunk below zero, and had been almost too minute for calculation. So insignificant were they at present, that he implored his right hon. friend to leave them out of the bill altogether. They were told, indeed, that the question of securities could be properly considered only in the committee. On this point he would say, that if the great measure were once conceded, he would infinitely rather place all its details upon a principle of generous confidence, than fetter them with a jealous and ineffectual system of restriction. To establish a permanent Catholic commission coming in contact with the Crown, and for the purpose of advising the Crown; the Crown being notwithstanding compelled to make appointments which it might think liable to great objection, was to him no satisfactory provision. But then, there was to be a certificate of loyalty. Now, every body knew what loyalty meant in private conversation; but, what did it mean by act of parliament? He did not know what loyalty meant by law, except that the individual to whom the term was applied was never convicted of a crime in a court of justice. When Dr. Doyle was asked if, in his opinion, the proposed provision for the Catholic clergy should be inalienable, he answered yes, while they comported themselves loyally and peaceably as became subjects; and when he was asked, whether by not comporting themselves loyally and in obedience to the laws, he did not mean their being convicted by some legal court of such conduct, he replied in the affirmative. Now, really, he could not conceive a more painful duty, than for the commission to certify to the Crown the loyalty of those whom they recommended. It was a delusion also to suppose that such an arrangement would diminish the dangerous character of the correspondence of the Catholic prelates with the see of Rome. His right hon. friend had observed, that that correspondence existed at present. True; but how different would be its character when it became sanctioned by act of parliament, instead of being carried on under the terror of severe laws which might be executed.

He would beg leave to say a single word with respect to one of the measures which were to accompany this Catholic Relief bill, and which by many were considered as complete securities against the danger of that bill. He meant the measure for raising the qualification of the freeholders. On the first view of it, this certainly appeared an extraordinary project. He hoped it would not be acceded to without great consideration. He could assure the friends of Catholic concession, that he had no sinister intention of attacking one measure through the sides of another. On the contrary, he was desirous to consider each on its own grounds. But, while he willingly admitted the right of parliament to regulate any abuse that existed in the exercise of the elective franchise, he could not but look with considerable alarm at a proposition for disfranchising a large portion of his majesty's subjects. Whatever might be the moral effect of such a step, when he considered that the immense majority of the population of Ireland was Catholic, he felt some doubt whether, if the result of the proposed bill should be, as its advocates predicted it would be, greatly to increase the prosperity of Ireland, and therefore especially to enrich the Catholic body, the raising the qualification might not, in the course of twenty years, give a very undue preponderance to the Catholic interest. Mr. O'Connell, whose opinion on such a subject was deserving of great weight, thought that raising the qualification would add to Catholic influence. There were other important considerations connected with this proposed measure. He would not then pronounce decisively respecting it; but he could not deny that he had serious doubts whether it would be productive of the effects anticipated from it; and above all, whether it would afford any security to the Protestant interest.

With respect to the other measure for paying the Catholic clergy, there were also grounds, and those not of a financial nature, which would render him indisposed to agree to it. He was not prepared, therefore, to admit the alleged securities which these two supplementary measures contained. The securities in the bill under consideration he must entirely reject. If he once admitted the claims of the Catholic, on the ground that his religious opinions ought to form no disqualification, he would not insult him by making him take an oath, abjuring the belief that faith might not be kept with heretics. On these grounds he should steadily adhere to the course he had hitherto pursued on this subject; namely, that of deeming all securities insufficient by which Catholic influence was not excluded from the councils of the state, and from the legislature. When he compared the conduct now pursuing by this Protestant parliament, in taking into consideration the expediency of further concessions to the Catholics, with the conduct of the Catholic parliament of a neighbouring country, by which a law had been passed for punishing with the penalty of death those who committed what was called sacrilege, he must say, that he saw in that comparison an additional reason for proceeding no further. He could never consent to any measure which diminished the security of our Protestant establishment, and thereby threatened the foundations of civil and religious liberty.

Mr. *Brougham* rose, amidst loud cries for the question. He said, that after the unanswerable speech of the right hon. Secretary of State for Foreign Affairs—a speech which replied, as by anticipation, to all the arguments of the right hon. gentleman who had just sat down—the House must consider it wholly unnecessary to listen to a single further sentence on the question; and he could assure them, that it would be as irksome to him to address them upon it as it would be to them to hear him. He rose merely to make two or three observations, for his own sake and for the sake of other hon. members, on a very important feature of the subject which had been mixed up, and especially by the right hon. gentleman who had just sat down, in the latter part of his speech, with the proper discussion of that night. In the first place, then, he declared, that in voting for the bill now before the House, he voted for a known and definite measure—a measure for granting relief to his majesty's Roman Catholic subjects. As to any ulterior measures, to operate as securities, or as alleged securities, they might be very fit subjects for consideration in the committee, but they had nothing to do with the principle of the bill, which was the question to be then determined. With regard to the two bills, one of which was to be introduced to the House to-morrow, and the other next week, having never yet formed any part of the Catholic bill, and being in their essence perfectly novel, it would be the unfairest thing in the world to suppose that any hon. member, by his vote of that night, either directly or indirectly expressed his sentiments, or insinuated what would be his opinion upon them. That those measures were of great importance—of importance hardly inferior to the bill before the House—he most readily admitted. But, novel as they were, and difficult as they were in themselves, they were rendered still more difficult, by the various opinions that were entertained respecting them. He could not find that those persons who were best fitted, by their local knowledge, to form an opinion as to the expediency of those bills, were able to give him any of that light, as to their nature and probable effect, of which he stood so much in need. Those who were connected with the ecclesiastical interests of the country, while they entertained no doubt of the expediency of the civil measure, entertained the greatest doubt as to the expediency of the ecclesiastical measure; and, on the other hand, those who were connected with the civil interests of the country, while they entertained no doubt of the expediency of the ecclesiastical measure, entertained the greatest doubt of the expediency of the civil measure. He should certainly come to the discussion of both measures, with all the deliberation which their importance demanded; and he trusted with that willingness to be convinced of their expediency, which must be produced by the temptation held out by the declaration of some of the supporters of the Catholic claims, that they were induced to vote for the Catholic bill in consequence of the security which those ulterior measures promised. But, he should also come to that discussion with the spirit of deliberation and impartiality, with his mind ready for conviction from any arguments which could reconcile the seeming incongruities, but remembering always his general constitutional principles. In one case, any thing which but seemed to approach to the idea of disfranchisement must powerfully affect his mind. In the other, a large increase of the influence of the Crown, implied in the assignment of a provision for an extensive and powerful hierarchy, to be paid by the Crown out of money to be levied upon the public at large, must equally affect him with jealousy. These were reflections of an astounding kind, which he had to encounter upon the mere threshold of this subject. Did the House mark the tenour of that expression which had fallen from a right hon. gentleman opposite, in advising the adoption of the plan? "Pay the Irish clergy," said that right hon. gentleman, "and the government will have an officer in every parish." He repeated, that he should come to the consideration of both these ulterior measures, prepared to hear every thing that could be urged in their favour. Greatly disappointed should he be if he found that he could not agree to them; but, before he did agree to them he must be convinced that they would leave the constitution untouched; and the rights of all parties—of the Protestant freeholder, who was to get no boon, as well as the Catholic freeholder, who was to get a boon—undiminished. He must be convinced, that these measures would not render Catholic Emancipation pregnant with matter hostile to the conciliation of all classes of the community; the object which, next to emancipation itself, was the principal aim he had in view. He had thought it right to express the doubts which he entertained on these subjects. All he now did, however, with respect to them was to say, that he must pause before he consented to their adoption. He might be wrong in entertaining any doubt on the subject; and, if the success of the Catholic bill rested on the success of those other measures, he most sincerely hoped that he should be proved so. On the Catholic question itself he was quite clear. He considered now, as he had always considered, that considerations of expediency, no less than considerations of right and justice, demanded the adoption of the bill before the House. It stood, as it stood before it was mixed up with any other measure, on the ground of right, of expediency, almost of necessity. The safety of the empire depended on the conciliation of the people; and parliament should avail themselves of, perhaps, the last opportunity that would be offered them of granting that as a favour which might otherwise be extorted from them as a right. He rejoiced heartily that he could anticipate with confidence, that the result of that night's debate would be a majority in favour of the bill so triumphant, as to afford the best chance of its success in that other House of parliament, in which alone it had hitherto been for many years rejected.

The question being put, "That the word 'now' stand part of the question." The House divided: Ayes 268. Noes 241. Majority for the second reading 27. The bill was accordingly read a second time.

HOUSE OF LORDS.

Friday, April 22.

Treason Forfeiture Repeal Bill.] Lord *Holland* rose, pursuant to notice, to bring in a bill to Repeal the Law of Attainder and Forfeiture, in so far as the rights of others besides the persons offending were prejudiced. It was not necessary for him to state to their lordships what the law was; but, the state of public opinion was such, as induced him to think that the proper time for altering the law was now arrived. The object of the bill was, to prevent forfeiture in cases of treason from extending further than to the person and property of the offender himself, or from extending to any titles descending to others, and in all cases in which the penalty was not already so confined. As the bill he held in his hand might be considered as a bill for reviving two acts, the act of queen Anne and George 2nd., and for repealing the act of the 39th of the late king, it would be proper, in the first place, for him to move that these acts be read. Their lordships would allow the first reading to pass; and, soon after the bill should be printed, he would give notice of a day for the second reading.

The acts referred to above were read pro forma, after which the bill was read a first time, and ordered to be printed.

HOUSE OF COMMONS.

Friday, April 22.

Elective Franchise in Ireland.] Sir *R. Wilson* said, that some misunderstanding had arisen in consequence of a conversation between the hon. member for Staffordshire, and the learned member for Winchelsea as to the course meant to be pursued respecting the bill for altering the Elective Franchise in Ireland; and as it was his intention to oppose the principle of the measure, he was desirous to know what course it was intended to follow? Should the discussion take place that evening upon it, it was his determination to take the sense of the House.

Mr. *Lyttleton* said, that some misunderstanding had certainly arisen on the subject, in consequence of which, several gentlemen who had intended to take a part in the discussion, and particularly those who meant to oppose it, were not then in their places. But, it was impossible he could lose that opportunity of taking some step in the business, and he should be contented simply to ask leave to bring in the bill, and let the discussion take place on a future day. He should be sorry to be called on to make any statement, unless he had an opportunity to make a complete one. He therefore trusted the House would allow him to bring in the bill now, and take the discussion on Friday.

Mr. *Brougham* suggested the necessity of as early a discussion as possible, in order that that explanation might be given which would either remove or confirm the doubts which were entertained of its policy. There were difficulties which a further inquiry might clear up. He was not a member of the committee himself; and had therefore, no opportunity of acquiring official information, but he knew that there were certain questions, which could be best cleared up by inquiry before a committee. He therefore hoped that an earlier day than Friday would be fixed for the second reading.

Mr. *Calcraft* said, he was no party to this arrangement. The bill required an explanation: its object was perfectly misunderstood, and it ought to be made intelligible to the people both of England and Ireland. The bill was generally thought to enact the disfranchisement of the forty-shilling voters, but that was not its object. If it were, he would be the last to give it his support. Even those who were in the habit of daily conversing with Irish members, entertained a complete misapprehension of the objects of the bill. How strong, therefore, must be the misconceptions upon the subject in the minds of the people in general.

Butter Trade in Ireland.] Sir H. Parnell presented a petition from the Butter-makers of Doonane, in the Queen's County, praying for a repeal of the laws for regulating the Butter Trade of Ireland.

Mr. *Hutchinson* hoped, that if a committee were appointed to investigate this subject, due notice of its formation would be given, so as to afford those who were interested in the trade an opportunity of stating their sentiments.

Mr. *Grattan* said, that the abuses in the trade appeared to be so great, that he hoped a committee would be appointed in the present year to examine the evil, and to recommend measures for its correction.

Sir *G. Hill* was of opinion that no new measure should be adopted respecting this trade, without a very serious and extended inquiry.

Mr. *S. Rice* said, that the subject might be fully discussed, without altering the law this session.

Mr. *L. Foster* felt that the subject was one of deep importance. If any alteration were made in the law, it ought to be preceded by a very minute inquiry.

Sir *J. Newport* said, he had no objection to inquiry; but, in his opinion, it ought to take place at the commencement of next session. If the examination were now set on foot, it would have a great effect on the exportation of butter. Day after day the price of that article would be influenced by the evidence given, or the statements made before the committee.

Sir *H. Parnell* said, that the corrupt practices carried on under the butter act were a most severe infliction on poor and industrious people. Complaints were particularly made of the butter-tasters. It had been represented to him, that those persons were often induced to neglect their duty for a bribe; that they sometimes attended to perform their functions in a state little short of intoxication; and that they often decided on the quality of the butter, not as it really deserved, but in proportion to the emolument which they were to reap from their corrupt practices. He had inquired into these points; and had found the allegations well-founded. In one instance, five guineas had been given to the wife of a butter-taster to induce her husband to certify that butter of second quality was of first quality, that it might be exported in this fictitious character. Parliament were called upon to inquire into this subject; and he could see no reason why that inquiry should not commence now.

Mr. *C. Grant* said, that ministers were quite ready to go into the committee, either in this, or the next session.

Ordered to lie on the table.

Elective Franchise in Ireland Bill.] Mr. *Littleton* said, he now begged leave, on the understanding to which the House had come last night, to move for leave to bring in a bill "to regulate the exercise of the Elective Franchise in Ireland." He would, in consequence of the understanding to which he had alluded, abstain from making any observations on the introduction of this bill. He hoped, however, that an early day would be fixed for reading it a second time, when gentlemen would have a full opportunity for the expression of their opinions. To himself, it was a matter of no importance whether he opened the grounds on which he introduced this measure on the present occasion, or reserved his statement for a subsequent period. The House had come to an understanding on that point early that morning, and that understanding had been renewed this evening. The consequence was, that a vast number of members had left the House. Amongst them were many who were especially unfavourable to the views which he took relative to this measure; and therefore he felt himself bound in honour simply to explain what the nature of the intended bill was. The hon. member for Wareham was of opinion, that the disfranchisement of the 40*s.* freeholders of Ireland would be a measure of a very arbitrary nature. He thanked the hon. member for having called for information on this subject; and he would take the liberty to observe, that he did not mean to extend the provisions of the bill to those freeholders who held their freeholds under the same practice that prevailed in England at this period. The bill would only refer to freeholders whose votes were subject to registration. The sum which gave to those individuals the right of voting at present, it was the object of this bill to raise. He would not state positively, although he had formed a strong opinion on the subject, how high the qualification ought to be raised; but, in his opinion, 10*l.* per annum would be an eligible qualification; that, however, he left entirely in the hands of the House. Another point which had been alluded to, was the period at which the act should begin to operate. It might be suffered to operate forthwith; or at the period when the present registry expired, or at the termination of the several leases. He thought the end of the registration would be the proper time for the act to begin to take effect. But he felt that this was a proper matter for consideration in the committee. The hon. member then moved "That leave be given to bring in a bill to regulate the Exercise of the Elective Franchise in Counties at large in Ireland."

Mr. *Brougham* observed, that, in consequence of the understanding to which it was stated the House had acceded, a number of gentlemen had undoubtedly gone away. This being the case, it would be inexpedient to go into a discussion of the measure now: but, it ought to be stated, that on this occasion, leave to bring in the bill was only called for. If there were any hon. members who wished to defeat the measure at once, they would have an opportunity of stating their arguments against it on the first reading.

Mr. *Bankes* said, that this was a measure of so alarming a nature, that the attention of the House, and of the public, ought to be particularly called to it. He would take the first opportunity, when this bill was brought forward, to divide the House upon it; and he should therefore wave, at present, any further observation on the measure. In his opinion, the bill was open to the most serious objections. It was one of the most unconstitutional and arbitrary measures that ever was introduced to the House.

Mr. *Grattan* said, he looked upon this as a very alarming proposition.

Mr. Secretary *Peel* merely rose to say, that, in acquiescing in the motion for leave to bring in the bill, he made no concession whatever. The rule of the House formerly, was different from that which now prevailed. It was now customary to grant leave to bring in a bill, merely for the purpose of considering what its effect was likely to be. Afterwards its contents were debated; and it might be rejected on the second reading. In consequence of the understanding which was come to last night, he would not offer any objection to the present motion: but his opposition to the measure should be precisely as decided in the stage when it came to be debated, as if he opposed its being brought in originally.

Mr. *Brougham* trusted, that he might be understood, after what he had stated that morning, as not having pledged himself to support this measure. On a future day he should take an opportunity of stating his opinion on this question.

Mr. *Calcraft* said, that if ever there was a bill brought into parliament which required the most minute detail, it was this identical bill. This he would assert, that if members in the House understood it, very few persons out of the House did. He, for one, did not understand it in detail; and therefore he was anxious for explanation.

Sir *T. Lethbridge* said, that, in his opinion, the bill which it was proposed to bring in was not at all calculated to answer the expectations which it had raised. A great deal had been said about relief to the people of Ireland; but, he could not see what relief they would find in being deprived of privileges which were really valuable, and which made them of some importance, and in receiving instead of privileges, an imaginary good. An hon. friend of his, whose conversion had created so great a sensation in the House, had said, that he would not vote for the bill which had been discussed last night, unless the bill now before the House, and that for providing for the Catholic clergy, should also be carried. Now, in the common course of proceedings in parliament, the first of these bills would have passed through all its stages before the fate of the other two bills could have been decided. The hon. member for Armagh must, therefore, either not vote at all, or he must vote inconsistently with the declaration he had made.

Mr. *Calcraft* rose to order. He submitted that it was neither parliamentary nor delicate to allude to the words of a past debate; and particularly when the member by whom those words were supposed to have been used was not present.

Sir *T. Lethbridge* thought he was perfectly justified in alluding to the declaration made by his hon. friend, the member for Armagh. He thought he had much more reason to complain of the interruption of the hon. member, which imputed to him an intention to speak of the declaration made by his hon. friend in an injurious manner—an intention which he altogether disclaimed.

Mr. *Wynn* said, it was beyond all question contrary to the practice of parliament to allude to expressions which had been used in a debate that was past, and still more so in the absence of the member by whom they had been used. It was true, that the House allowed a great latitude beyond the strict letter of its orders; but he believed, that in no instance, after the objection had been taken, a member had been permitted to persist in violating the established custom of parliament.

Mr. Secretary *Peel* said, there could be no doubt that a direct reference to the words of a debate was not parliamentary; but, the hon. baronet had not done this. He had referred only to an intention expressed by the hon. member for Armagh, by which that hon. member had said he should regulate his conduct. This was very different from quoting the words in which that intention had been conveyed. Whether to do this were delicate or not, was another question, which each individual must decide for himself, but of which the House, he conceived, could take no notice.

Mr. *Wynn* said, he thought that to refer to a declaration, as the hon. baronet had done, was not less irregular than to refer to the precise words in which it had been made; and for this reason—that the person by whom it had been made being absent, he could have no opportunity of explaining or justifying what he had said.

The *Speaker* rose amidst loud cries of "Chair." He said, that having been so distinctly appealed to, he could not hesitate to express his opinion, that the irregularity spoken of did not depend upon the fact of the person to whom the allusion was made being present or not, although the question of delicacy certainly did; because the House considered that all its members were present in every debate. The question, then, was, whether it was according to the practice of parliament to refer to the matter, or to the distinct words, of any part of a former debate. Now, it was altogether disorderly to refer to the express words of a debate; and this, as he had already said, whether the member by whom they had been used was present or not. With respect to a reference to the subject matter of a debate, it was the practice of the House to allow great latitude. If it were not for the excuse which this practice furnished, the whole debate had been irregular from its commencement; because if it was opposed to the forms of the House to refer to a former debate, it was not less so to refer to an understanding that leave should be given to bring in a bill. In his opinion, however, nothing could be so inconvenient to the progress of business in that House, as for the Speaker strictly to watch every violation of the letter of their orders. He therefore commonly left such subjects to be regulated by the general sense of the House, taking from them the hint, and declining himself to interfere, unless under circumstances likely to obstruct the public business.

Sir *T. Lethbridge* bowed to the decision of the Chair; but he could not avoid observing, that it was some consolation to him to know, that if he had been out of order, he was not so alone, the whole discussion being, as the Speaker had said, irregular. Still he contended, that, if the House should give the hon. gentleman leave to bring in his bill upon no other statement than that which he had made, they would do a very uncommon thing: and admit a bill, of the principle of which no one had said a word in recommendation.

Dr. *Phillimore* said, he believed there was a general understanding, that in consequence of the late hour to which the debate of the preceding night had extended, the discussion of the principle of this bill should be postponed. For his own part, he had no doubt that the measure which it proposed to carry into effect was calculated to do away a great abuse, and to confer a lasting benefit on Ireland, Sir *J. Newport* said, that notwithstanding the sentiments which the hon. baronet had expressed, he did not believe that the Catholic freeholders of Ireland would give him any credit for the new-born zeal which he seemed to feel for their interests. They would rather be inclined to suspect that he intended, by throwing obstacles in the way, to defer the passing of that other and greater measure, of which he had been so long the opponent. For his own part, he confessed that he was most anxious to see this bill passed: and, notwithstanding the assertion of the hon. baronet, that it was hostile to the interests of the people of Ireland, he was ready to go before that people in competition with the hon. baronet, and abide their decision on the subject. He should support the measure, because he believed it would materially aid the success of the other and more important one of emancipation, and because it would prevent the demoralization of the lower orders, of which the present system was the cause.

Mr. *Wodehouse* said, he had seconded the motion of his hon. friend the member for Staffordshire, and he saw no reason for withdrawing the support which he had given to this measure.

Mr. Secretary *Peel* deprecated any partial discussion of a measure, which, at a proper time and season, would come regularly under the consideration of the House.

Mr. *Littleton* said, he had the bill now ready to present to the House. He proposed that leave should be given for it to be printed; and he would take any day that it might be convenient for the debate on its second reading. He hoped the House would not oppose any difficulty in the way of this proposition, otherwise he must be under the necessity of meeting the dilemma in which he was placed by now giving notice of a motion on the subject.

Mr. *Bankes* would only beg, that, if any, an early day might be appointed for the discussion of the subject.

Mr. *Hutchinson* said, he had never required any security for passing the great bill for emancipating the Catholics. Although it has been asserted, that the 40*s.* freeholders of Ireland were degraded men, he nevertheless felt it his duty to protect them, with as much regard to their civil rights as the highest commoners. In the instance of his own constituents, he could say, that he had found as honourable and as high-minded men among the 40*s.* freeholders, as among any other class of voters.

Mr. *S. Rice* did not wish to prolong the discussion; but there were two important points on which he wished to be informed. The first was, whether his hon. friend meant to confine the disfranchisement of the 40*s.* freeholders only to those counties where corruption and fraud had existed? The second was, whether he considered this bill as strictly conditional upon the passing of the Catholic Relief bill.

Mr. *Littleton* answered both these questions in the affirmative.

Mr. *Hume* considered the bill as a matter of expediency. He wished the principle of the measure to be discussed; but, to admit the bill without discussion, was to admit also the principle. He objected to bringing in the bill that night, because the greater portion of the members had left the House, on an understanding that no discussion would take place on the subject.

Lord *Althorp* trusted, that the bill to be brought in would prove of the greatest advantage. The 40*s.* freeholders had not independent votes. He therefore considered it quite consistent with his wishing for a reform of the representation, to deprive of the right of voting those who had no independent votes.

Leave was then given to bring in the bill. It was shortly after brought in by Mr. Littleton, and read a first time.

SPIRIT DUTIES.] The House having resolved itself into a committee on the Spirit Duties Acts,

The *Chancellor of the Exchequer* said, he had upon a former occasion explained to the House the grounds upon which he thought it expedient to place all the laws relating to distilleries in England on one identical and intelligible footing, and to do away with the inconveniences which were daily found to result, from the circumstance of different laws prevailing in different parts of the kingdom. It would not, therefore, now be necessary for him to advance any general reasoning on the subject; and he flattered himself that the House would readily concur with him in thinking, that something was necessary to be done to effect this object. It appeared to him, that no alteration would be so effectual as that which should assimilate the distillery laws of England with those of Scotland and Ireland. He would state generally the sort of regulations which he proposed to adopt for this branch of the trade and manufacture of the country. In the first place, it was necessary to impose certain restrictions on the persons carrying on this trade: he should be glad if this had not been necessary, but the large amount of the duties rendered it impossible to wave them. In Ireland and in Scotland no persons were allowed to carry on the trade of a distiller without the certificate of a justice of the peace. This regulation, which the peculiar circumstances of Scotland and Ireland rendered necessary, he did not propose to adopt in England. The qualification which he should suggest instead was, that persons carrying on the trade of distillers should inhabit and pay the rates of houses of the rent of 20*l.* per annum. This would facilitate the collection of the duty; while, if persons who could distil in a tin kettle were permitted to do so, the excise would be cheated at every turn. The next regulation was, that all persons licensed to carry on the trade of distillers, should be resident within a quarter of a mile of a town in which there should be 500 inhabited houses, in order to secure a sufficient number of excise officers for the preservation of this branch of the revenue. With respect to the size of the stills, it had been found necessary in Ireland and in Scotland, where smuggling was extensively carried on, to use stills of small dimensions, because larger ones were ineffectual to prevent it. In England there was not the same necessity, and it was therefore his intention to reduce the size of stills from 3,000 gallons, the present rate, to 400, the dimensions at which they had formerly stood. He would now state to the committee the alterations which he intended to propose respecting the duties. The existing duty was 10*s.* 6*d.* per gallon, at 7 per cent over proof. It would, he thought, be a great improvement on the present system, to adopt the rule which was observed in Ireland and Scotland; namely, to fix the duty according to the proof strength of the spirit, and that duty he proposed should be 5*s.* 10*d.* per gallon. He would shortly explain why he had fixed on that particular sum; which might otherwise appear somewhat singular. The first idea was to fix a duty of 5*s.* upon spirit distilled from malt, and 6*s.* on that distilled from grain; but, on looking into the details of the subject, he found that it would be difficult to make a distinction between the two kinds of spirit. He was therefore determined to make the duty uniform, without reference to its being distilled from malt or grain. It would be in the recollection of the House, that a bill had past last session for regulating weights and measures, which was to take effect next year. According to that bill, the standard by which measures were to be hereafter regulated was the imperial gallon, which differed from the ordinary wine measure on which the duty on spirits was at present taken. The imperial gallon might be represented by six, whilst the common wine gallon might be represented by five. If he had fixed the duty on the common wine gallon at 6*s.*, the relation which it would have borne to the imperial gallon would have been inconvenient; as it would have left an indescribable fraction of a farthing unaccounted for. The duty of 5*s.* 10*d.* on the common wine measure, however, corresponded exactly with the duty of 7*s.* on the imperial gallon; and thus any intricate calculation would be avoided in the settlement of questions which might arise between the excise-officer and the dealer. The right hon. gentleman concluded by moving several resolutions to the effect which he had stated.

Sir *J. Newport* expressed his satisfaction at the statement of the right hon. gentleman. Great advantages must be the result of a free intercourse. He hoped that with this measure, all the trammels that now interrupted the commerce between England and Ireland would end, and that full scope would be given to the exercise of the industry and energies of both countries. Ireland and Scotland should be considered as much a part of England, as Essex or Kent. He therefore gave his cordial approbation to measures, which equally tended to advance the interests of all parts of the united kingdom.

Mr. *W. Smith* opposed the measure, and said that it would, in his opinion, contribute more to the disadvantage of England, than any measure that could have been adopted. The immorality of the thing was beyond all question; for there was no necessity to enable a man to get drunk for a shilling: he could do that easily enough already; and as to the proposition laid down by the right hon. gentleman, he considered it as fallacious, as if any one were mathematically to assert, that by adding unequals to equals the result would be equals. In the report on the Police of the Metropolis in 1817, it appeared, from the most incontestible evidence, that almost every crime of the most atrocious character, such as murder, robbery, and burglary, was committed under the influence of ardent spirits. If this were so, he would ask whether that could possibly be a measure of good tendency which went to reduce the price of spirits, as he was satisfied it would be reduced, to little more than half the present amount? But, it was said, that though the duty was to be reduced one-half, double the quantity of spirits would not be drunk, nor would the quantity drunk by the same individuals, be increased in any very great proportion. The right hon. gentleman, however, argued very differently when he proposed the reduction of the duty upon wine. He then talked with great confidence, of the increased quantity of wine which he hoped would be drunk; and, could he suppose that the reduction of the price of spirits would have a different effect on the lower classes of the people, than the reduction of the price of wine would have on the higher classes? It was said, that the Scotch were a sober people, notwithstanding the low price of spirits in Scotland. The fact was, that the poverty of the lower classes of the people in Scotland was a check upon their intemperance. Low as the price of ardent spirits was in that country, they could not afford to purchase them. He might remind the House of the reply of Dr. Johnson to a person who observed, that a man might buy a Solan goose in Scotland for two-pence. "Granted," said the doctor, "but where will he find the two-pence in Scotland?" He confessed that he apprehended serious results to the morality of the country from the reduction proposed by the right hon. gentleman. Whatever might be the effect of the measure, he had delivered his own soul. The right hon. gentleman had taken no means to encourage the brewers, and to turn the people from dram-drinking to the consumption of beer. He sincerely regretted that he should have proposed a measure, which was calculated to have so demoralizing an influence on the habits of the people.

Mr. *Hume* strongly recommended the Chancellor of the Exchequer to equalise, to a greater degree than he had proposed, the duties between England, Scotland, and Ireland, and also to reduce the duties on malt. He could not agree with the hon. member for Norwich, as to the danger to be apprehended to the morals of the country, from the adoption of this measure. He begged his hon. friend to look to Holland and France, where the price of brandy and gin was half what it was in this country. Would he find in those countries such scenes of drunkenness and crime, as he apprehended from the low price of spirits? He believed, that in the countries where the price of spirits was highest, the greatest excesses took place. And this was easily accounted for: it was the disposition of man, when he could only obtain an indulgence occasionally, to get as much of it as he could; but, if circumstances enabled him to obtain the gratification regularly, the temptation to commit an excess was removed. He was satisfied, therefore, that the reduction of the duties on spirits, so far from operating as a temptation to intemperance, would only have the effect of enabling the lower classes of the people to indulge regularly and temperately, rather than irregularly and without moderation, in the use of spirits; and the moderate use of spirits he believed to be much more salutary and beneficial than it was commonly supposed to be. Besides the countries to which he had adverted, he would mention the United States of America, where, though the price of spirits was much lower than it would be in this country after the reduction of the duty, there was no disposition to intemperance among the people. Good wages and low prices were the best security for good conduct.

The *Chancellor of the Exchequer* said, he had felt great difficulty in determining what should be the amount of reduction of duty. He admitted that it would have been very desirable to approximate still further than he had proposed towards a complete equalization of duties. He should not have feared to reduce the duty in England still lower, if he had felt himself warranted in increasing the duty in Ireland and Scotland. If he had lowered the duty still further in England, the revenue would have suffered too much, if he had not increased the duty in Scotland and Ireland; and such an increase of duty, immediately after the success of the recent experiment, would have operated as a fresh encouragement to smuggling. As to the apprehensions of the hon. member for Norwich, that the country would be deluged with drunkenness, in consequence of the reduction of the duty on spirits, he thought that hon. member's anxiety for the morals of the country had led him to take unnecessary alarm at this measure. He did not participate in those fears; and he thought the objections of the hon. member had been satisfactorily answered by the reference which the hon. member for Aberdeen, had made to the state of countries, in which the price of spirits was much lower than it would be in this country after the reduction of the duty.

Mr. *Hutchinson* supported the resolution, and trusted the right hon. gentleman would adopt the suggestion of the hon. member for Aberdeen by reducing the duty on malt.

Captain *Gordon* thought the country greatly indebted to the right hon. gentleman, for a measure which was calculated to suppress illicit distillation in all parts of the empire.

The resolutions were agreed to.

British Museum—Mr. Rich's Collection.] The House having resolved itself into a committee of Supply,

The *Chancellor of the Exchequer*, adverting to the report of the committee appointed to consider the expediency of purchasing for the British Museum the collection of coins, antiquities, and manuscripts of the late Mr. Rich, observed, that that report was so explicit and satisfactory, that it was quite unnecessary for him to trouble the House with any details or arguments on the subject. Nor could it be necessary for him to impress upon the House how highly honourable it was to the country, to make every effort for the due cultivation of literature and the arts. The collection in question was one of undoubted value, and was declared by competent judges to be well worth the sum required for it. He would therefore move, "That a sum not exceeding 7,500*l.* be granted to his majesty, for the purchase of Mr. Rich's collection of manuscripts, antiquities and coins, to be placed in the British Museum, for the benefit of the public."

Mr. *Hume* cordially supported the motion. He said he would take the present opportunity of expressing his regret at the condition in which many of the valuable monuments in the country now were, and of asking the right hon. gentleman if he would have any objection to the appointment of a committee to inquire what was the state of the monuments which had been erected to the memory of our distinguished countrymen, where they were placed, the expense that had been incurred in their erection, and how far they were at present accessible to the people? If the right hon. gentleman had no objection to such a proposition, he hoped that either he, or some other member of his majesty's government, would make it, in order that the public might know what was the result of the great expense on the subject which they had incurred. Among other things, he was informed, that the shillings which were collected at the doors of Wesminster Abbey went into the pockets of the persons who were appointed to take care of those monuments; but he also understood, that there was another fund from which those persons ought to be paid, and which the dean and chapter put into their own pockets. He thought this was a subject which should be inquired into.

Mr. *Bankes* admitted that the expense which the public were put to in the erection of those monuments gave them a fair claim to inquire how the funds received for exhibiting them were applied; but he thought the onus of such inquiry ought not to be thrown upon the chancellor of the Exchequer. The subject was, he granted, a fair one for inquiry.

Mr. *Hume* disclaimed the slightest imputation on the right hon. gentleman. All that he wished to know was, whether government would sanction the appointment of such a committee as he had alluded to; as otherwise, any proposition for its appointment would be nugatory.

Sir *C. Long* did not know any thing of the fund to which the right hon. member had alluded, as being provided for the care of the monuments in Westminster Abbey. He could assure the hon. gentleman that his majesty's government had no other wish on the subject, than that the public should have the full benefit of the money that had been expended upon it. As to the present vote, there could be no difference of opinion about the value of the collection which it was to secure; and he thought it but common justice to observe, that there had never been any collection offered to the trustees of the British Museum, in a more fair, liberal, and handsome manner.

The resolution was then agreed to.

HOUSE OF LORDS.

Monday, April 25.

Roman Catholic Claims.] His

Royal Highness the Duke of *York* stated, that he had been requested to present to their lordships the petition of the dean and canons of Windsor, praying that no further concessions should be made to the Roman Catholics. He considered it unnecessary, in bringing before their lordships the petition of so learned and respectable a body, to assure them it was worded so as to ensure its reception; but, before he moved that it should be read he must be permitted to say a few words.

Sensible as his royal highness was of his want of habit and ability, to take a part in their lordships' debates, it was not without the greatest reluctance that he ventured to trespass upon their time and attention; but he felt that there were occasions when every man owed it to his country and to his station, to declare his sentiments; and no opportunity could, in his opinion, offer, which required more imperiously the frank avowal of them than the present, when their lordships were called upon to make a total change in the fundamental principle of the constitution, and, in his royal highness's view of the question, to strike at the very root of its existence.

His royal highness observed, that twenty-eight years had elapsed since this question had been first agitated, under the most awful circumstances, while this country was engaged in a most arduous and expensive, though just and glorious war; that the agitation of it had been the cause of a most serious and alarming illness to an illustrious personage now no more, whose exalted character and virtues, and whose parental affection for his people would render his memory ever dear to this country; that it had also produced the temporary retirement from his late majesty's councils of one of the most able, enlightened, and most honest statesmen of whom this country could boast.

Upon this question they were now called to decide; and from the first moment of its agitation to the present, his royal highness said, he had not for one instant hesitated, or felt a doubt, as to the propriety of the line of conduct he had adopted in reference to it.

That he must also call their lordships' attention to the great change of language and sentiments which had taken place since the subject was first introduced, among the advocates for Catholic emancipation.

That at first the most zealous of these had cautiously and yet strenuously endeavoured to impress upon the minds of the people that Catholic emancipation ought not to be granted without establishing strong and effectual barriers against any encroachment on the Protestant ascendancy. But, how changed was now their language! Their lordships were now required to surrender every principle of the constitution, and to deliver us up, bound hand and foot, to the mercy and generosity of the Roman Catholics, without any assurance even that they would be satisfied with such fearful concessions.

His royal highness said, he had, upon a former occasion, taken the liberty of stating his sentiments fully upon the subject, and had endeavoured to convey to their lordships that no person was more decidedly inclined to toleration than his late majesty, but that it must be admitted there was a great difference between toleration, participation, and emancipation. He would not now enter into this discussion, convinced as he was that, if the bill should again be brought under their consideration, its merits would be much more ably discussed by others of their lordships. There were, however, one or two points which appeared to him to have been kept out of view in the different debates that had occurred in various places, and which seemed to him of such vital importance that he could not help touching upon them.

The first was, the situation in which the church of England would be placed should Catholic emancipation pass. If his royal highness were mistaken he would doubtless be set right; but, he had always understood that the established church of England stands in a very different situation from any other religious persuasion in the world; different even from that of the Sectarians in this country. The established church was subject to its own government, and did not admit the interference of the civil authorities. It was placed under the authority of the king as the head of it, and under the control of parliament, so much so, that the church was not only not represented as a body in the lower House of parliament, but no clergyman was admittted to a seat in it.

Surely, their lordships could not wish to place the established church of England upon a worse footing than any other church within these realms: nor allow the Roman Catholics, who not only refused to submit to our rules, but who denied any authority of the civil power over their church, to legislate for the established church; which must be the case if they should be admitted to seats in either House of parliament.

The other point to which his royal highness had to advert, was one which he felt to be of a more delicate nature. He must, therefore, begin by stating to their lordships, that he spoke only his own individual sentiments; as he must not be supposed to utter in that House the sentiments of any other person. He was sensible that, by what he was about to say, he should subject himself to the scoffs and jeers of some, and to the animadversions of others; but, from speaking conscientiously his own feelings and sentiments, he would by no apprehension whatever be appalled or deterred.

That he wished to ask whether their lordships had considered the situation in which they might place the king, or whether they recollected the oath which his majesty had taken at the altar, to his people, upon his coronation. He begged to read the words of that oath:—"I will, to the utmost of my power, maintain the laws of God, the true profession of the gospel, and the Protestant reformed religion established by law—and I will preserve unto the bishops and clergy of this realm, and to the churches committed to their charge, all such rights and privileges as by law do or shall appertain to them, or any of them."

Their lordships must remember, that ours is a Protestant king, who knows no mental reservation, and whose situation is different from that of any other person in this country. That his royal highness and every other individual in this country could be released from his oath by the authority of parliament; but the king could not. The oath, as he had always understood, was a solemn obligation entered into by the person who took it, from which no act of his own could release him; but the king was the third part of the state, without whose voluntary consent no act of the legislature could be valid, and he could not relieve himself from the obligation of an oath.

His royal highness said, he feared that he had already trespassed too long upon their lordships, and he thanked them for the patience with which they had heard him. If he had expressed himself too warmly, especially in the latter part of what he had said, he must appeal to their liberality. That he felt the subject most forcibly; and that it affected him yet more deeply, when he remembered that to its agitation must be ascribed that severe illness, and ten years of misery, which had clouded the existence of his illustrious and beloved father. That he should therefore conclude with assuring their lordships, that he had uttered his honest and conscientious sentiments, founded upon principles which he had imbibed from his earliest youth; to the justice of which he had subscribed, after serious consideration, when he attained more mature years; and that these were the principles to which he would adhere, and which he would maintain and act up to, to the latest moment of his existence, whatever might be his situation of life—So help him God!

Ordered to lie on the table.

Corn Laws.] The Marquis *Camden* presented a petition from several Land-owners and Land-occupiers, against any alteration of the Corn Laws. The subject, he said, was one involving very important interests, and required that their lordships should proceed with great caution.

The Earl of *Lauderdale*, seeing the noble earl opposite in his place, rose to ask what were the intentions of his majesty's government on this subject? He did not mean to enter, in the smallest degree, into the general question; but he could assure their lordships, that there prevailed a great degree of agitation on the subject; and as long as the question was left open, numerous petitions would be sent to their lordships. Not only the agriculturists and the manufacturers were interested in it, but the monied men in the City, as every body must know who attended to the state of the exchanges, were affected by this question being kept open. He, therefore, hoped the noble earl would state whether his majesty's ministers meant to propose any alteration in the corn laws during the present session.

The Earl of *Liverpool* said, he had no objection to give as satisfactory an answer as possible, to the question of the noble earl. At the same time, he could not, consistently with the importance of the subject, and the duty which he owed to the public, answer the question of the noble earl without troubling their lordships with a few observations. Their lordships were aware, that the last time the subject was brought under consideration, was in the year 1822. At that time the parliament did not adhere to the system of 1815: some alteration was made; and it appeared from the report of the committee of the House of Commons, that it was in the contemplation of the committee to recommend a further alteration in the whole system of the corn laws. Thus the question stood at the beginning of this session, and now stands, subject, however, to a small qualification which he should hereafter mention. He had no difficulty in stating to their lordships, what he had previously stated in private, that, in his opinion, some alteration ought to be made in the general system of the corn laws; he thought, however, that it would not be expedient to make that alteration during the present session. He said this present session, because it was probable that, in the next session, it would be found necessary to take up this great and important question in all its bearings.—There were some points to which he would briefly allude, in order to show their lordships, that enlarged inquiry and considerable discussion would be necessary, before they could hope to settle the question on any sure and proper grounds. Their lordships all knew the difference of opinion which prevailed on this subject; and no one knew it better than his noble friend who had put the question. If the country were allowed to remain in any uncertainty, their lordships' table would be crowded with petitions. Petitions would come from one large and respectable body, praying for an alteration, which would have the effect of lowering prices; and there would also be petitions from another class equally respectable, against any measure which might have a tendency to produce any such effect. Their lordships must not conceal from themselves the truth, though it was clear to every enlarged view, that no statesman could doubt, that all the interests of a state were closely combined, and that whatever promoted the welfare and prosperity of one, also ultimately promoted the welfare and prosperity of others. Still, those who would come to their lordships with petitions on this subject, did not take this comprehensive view. On this question there was one branch of the great and leading interests of the country, which always endeavoured to prevent the price from falling too low; while there was another branch which always wished to keep the price as low as possible. No statesman could overlook this difference of opinion, or perhaps condemn the persons who entertained these different opinions; but, it was his duty to attend equally to all the great interests of the country. On this important question he had had many communications from more than one quarter: he had heard numerous doctrines about free trade; but, in the course of all the discussions of this question which had fallen under his notice, its true difficulties were never fairly considered. He hoped and believed that their lordships would give him credit for saying, that no man could be more desirous than he was, to see the trade of the country placed on the most liberal footing; but, when commercial principles were applied to corn, obstacles arose which were not easily overcome. In all other kinds of manufacture, if a fixed protecting duty were imposed, it would be easy to abide by it. Whatever might be the state of the home supply at a particular time, things would at length come round, and the manufacture would find its level. But, it was not so with respect to corn; because, at however equitable a rate the duty might be fixed, still periods and seasons might occur, in which no protecting duty whatever could be adhered to. In a time of great scarcity it could not be said to a starving population, that they should pay any thing in addition to the natural price of corn. He threw out these observations merely to show, that there was a great difficulty belonging to this question; but, he was perfectly satisfied that their lordships must proceed to its consideration, with the view of making some alteration in the present system. This, he thought, would appear to be called for on several grounds. The price of corn in this country was now nearly double what it was in 1815, when the present system was fixed. The argument used in making that arrangement was, that it was necessary to raise the price, in order to secure a reasonable profit on cultivation. This appeared to be by no means necessary now, with 80*s.* for the importation price. He felt, however, that he should not be rightly discharging his duty, if he ventured to give any opinion as to what ought to be the duty, or import price. Next session an opportunity would be afforded their lordships for a full consideration of the subject. In the mean time, he should only state what appeared to him to be the different principles on which their lordships would have to decide. He had stated, that the present system could not be maintained—that was to say, with respect to the importation price—in consequence of the effect which it had on the value of labour. Their lordships would, therefore, have to proceed on one of three principles. First; they might alter the importation price, and in other respects retain the system. Secondly; they might alter the existing system altogether, and, adopting the recommendation of the committee of 1822, impose protecting duties with a maximum, beyond which importation should be perfectly free, and a minimum, under which no importation should be allowed. Thirdly; a general protecting duty might be fixed, getting rid of the present system of averages. Either of these latter plans would form a complete alteration in the present state of the Corn laws; but, the last mode could not be resorted to, without placing somewhere a discretionary power to remove the duty altogether in a time of scarcity. Much difficulty would be found in establishing a maximum or minimum along with a fixed protecting duty. If, therefore, a fixed duty should be rejected, their lordships would have the option, either of adhering to the present system with an alteration of the import price, or establishing a system of protecting duties with a maximum and minimum; or else of taking a maximum and minimum without any protecting duty. He knew not whether he had made himself intelligible; but, he thought it right to lay before the House the different systems which it was likely their lordships would have to discuss. He must again repeat, that it was not his intention to propose any alteration in the Corn laws during the present session. He did not know, however, but that one particular part of the present system might sooner be brought under their lordships' consideration; he meant the question relating to the bonded corn which had been and still was in warehouses. That question had already undergone some alteration with respect to Canada corn. With regard to the other bonded corn, those members of the landed interest whom he had consulted on the subject were favourable to the contemplated alteration. As to the general question, he certainly could not think it right to enter on its consideration at that late period of the session; but, aware that it must in due time come under consideration, he was anxious to put the House in possession of his views and feelings on the subject.

The Marquis of *Lansdown* said, he had a petition to present from the city of London, praying for a revision of the Corn laws, which he should submit to their lordships to-morrow. He concurred in much of what had fallen from the noble earl opposite; at the same time, he must observe, that the result of much deliberate and serious reflection on this subject had brought him to the conclusion, that it would be ultimately impossible for parliament to continue a system of restrictive Corn laws. It would, therefore, be the duty of parliament to look forward to the doing away of the system altogether. He agreed with the noble earl, as to the difficulty of fixing a duty which would not be found very inconvenient in periods of scarcity or abundance; but, at the same time, he regarded such a plan as the best calculated to prevent scarcity. While, however, he entertained this opinion as to a fixed duty, he was far from regarding parliament to be now in a situation to determine the average price, which would afford a sufficient guarantee to the British cultivator, and next the average rate of productiveness on the continent. He was sure that most erroneous notions prevailed as to the average cost and price of agricultural produce on the continent, and that there was great difficulty in determining what it was likely to be, in such a way as to enable their lordships accurately to fix a rate of duty. In coming to a determination, it would be their lordships' duty to endeavour to conciliate all the interests in the country, and to take care that the balance should not incline too much to the one side or the other. Their great object should be, to arrive at something fixed and permanent; for, bad as the present system was, he would rather retain it with all its faults, than change it for one still liable to fluctuation. It was obvious that if too high a price were fixed, the manufacturing interest would have just reason to complain of the dearness of provisions, which must raise the price of every kind of labour. If the price were fixed too low, the landed interest would be injured, and with it, as recent events had most strikingly proved, every other interest in the country would be seriously affected. Their lordships would then be assailed with a clamour, and parliament would be again compelled to raise the price. On these grounds, he thought he could not too strongly impress on their lordships, the necessity of considering this important subject in all its bearings; and, in their revision of the present system, of looking to the establishment of a permanent law, which would be capable of conciliating the interests of all the different classes of the empire.

The Earl of *Lauderdale* thanked the noble earl for the exposition he had given of his views on the Corn laws. It was not his intention then to deliver any opinion, as to any particular plan which it might be proper for parliament to adopt; but, he must remind their lordships, that while they were considering the subject, speculation would be at work. It was therefore necessary to delay their determination as little as possible, and to make the new system one of more certainty than the present. A fixed and permanent arrangement ought to be adopted, suited to a time of peace. The noble earl had stated, that under the present system, corn was in this country twice the price at which it was sold for on the continent; but, he should recollect, that when the last arrangement was made, the agriculturists were told that 80*s*. was to be the minimum. Their complaint, however, was, that the price had never reached 80*s*. However, during the existence of the arrangement, bread had never been at an unreasonable price. If it were intended to come at last to a permanent arrangement, he did not conceive that the task could be accomplished, without a most laborious inquiry, not only into the state of agriculture in this country, but into its relative situation in the other parts of Europe. When their lordships considered that the present system, under various modifications, was the same which had endured for more than a century, they could not be too cautious in departing entirely from it. He did not say that it was perfect; but, it was one under which the agriculture of this country had long flourished. On this ground, he dreaded alteration. He dreaded it, because, if any change was to be, it ought to be to a permanent system, which was difficult; and, because the situation of the landed interest was different from that of any other. Capital was embarked on land under leases of twenty-one years, and the value of that capital would be instantly affected by any alteration of the law. All he should say at present was, that he hoped the inquiry would be extensive, and that the discussion would be conducted with liberality.

The Earl of *Liverpool* wished to make one observation more, in consequence of what had fallen from the noble lords opposite. He fully agreed with them in the importance of a careful investigation, and that if a change of system were made, it should be one of as permanent a nature as possible. But, if they were to look to the price of grain in this country and abroad, they would find that nothing could be of a more varying nature. To be convinced of this, they had only to refer to the prices of the last thirty years. The different rate of taxation in this and other countries necessarily caused a great difference of price, and rendered it difficult to come to a decision on the question of duty. The variation in the weight of the taxation, too, from seventy to forty millions, was a cause of fluctuation. Prussia, Poland, and other countries, from which foreign corn was usually imported, were all poor; but, as they increased in wealth and civilization, their power of supplying us would become less. These were all circumstances hostile to that permanency which was so desirable. Their lordships would have to consider, whether they would adhere to the present system, or adopt one of protecting or fixed duties; but, in whatever way they might proceed, it appeared to him, that they never could expect to obtain that certainty which would enable them to fix an unalterable price.

Lord *King* said, he wished a determination to be come to on this subject as speedily as possible; for, in consequence of the agitation of the question, bargains between individuals must be at a stand, until a settlement took place. He was glad that the noble earl opposite was to call the attention of parliament to the subject; and he hoped that an understanding would be brought about between the landed interest and the manufacturers. Wheat in some of the continental ports was 18*s*.; but, if the market was opened in this country, it would rapidly rise perhaps to 56*s*. or 60*s*.; but, whatever might be the present price, great difficulty would be experienced in founding on it a fixed rate for importation. One great inconvenience of a high rate was, that when the ports were suddenly thrown open, an immense importation took place. Some measure ought to be adopted, to restrain the excessive importation which took place in such cases.

The Earl of *Rosslyn* hoped, that nothing would be done in this matter without a complete inquiry, and without having the whole subject sifted to the bottom. The burthen of proving the necessity of change lay upon those who proposed to alter the present system. As the change would affect the state of every contract throughout the country, the intended investigation would require great caution and delicacy.

Lord *Calthorpe*, after expressing his opinion in favour of the proposed investigation, presented a petition from the Chamber of Commerce of Birmingham, praying for a revision of the Corn laws.

The Earl of *Darnley* was glad to hear that this important subject was to be inquired into. He always regarded the landed and commercial classes of the country as having one common interest. Of this he was certain, that if the landed interest was injured by any change in the corn laws, the British manufacturers would lose their best customers. He approved of the plan of coming to no decision until next session.

HOUSE OF COMMONS.

Monday, April 25.

Combination Laws.] Mr. *Hobhouse* presented a petition from a deputation from the weavers of Rochdale, who had arrived in London, praying that they might be examined before the committee to whose consideration the Combination Laws had been referred. The hon. gentleman observed, that in the course of the evening a petition would be presented from above 4,000 weavers of Rochdale, praying that the act for the repeal of the Combination laws, which had passed last session, might not be rescinded. It was evident that even the repeal of bad laws, if those laws had been long in existence, might, in the first instance, have an unfavourable tendency; and therefore that it would be extremely unjust to pronounce upon the expediency of such a repeal after only six months' experience. He confessed that he was astonished when he heard the other evening, the president of the Board of Trade complain of the enactments of last session upon this subject, as if he had not been a party to them. Now, he had attended the committee upon it pretty regularly, and he considered the right hon. gentleman a complete party to what had been done. He was, therefore, astonished to hear the right hon. gentleman disclaim any participation in it. He was confident, that the more the House and country considered these important topics, the more they would be convinced of the propriety of continuing the repeal of the Combination laws.

Lord *Stanley* presented a petition from the operative woollen manufacturers of Rochdale, against the re-enactment of the Combination laws.

Mr. *Sykes* observed, that, on a former evening, remarks had been made on the conduct of the committee of last year, on the Combination laws, which, had he been present, he certainly would have answered. He thought that committee had been very hardly used. It was a committee composed of a number of most intelligent gentlemen, with the exception of one; and they had most carefully investigated the subject. Some evils did undoubtedly arise from the operation of the new law; but those evils were nothing, when compared with the state of things which existed before the law was altered. By that measure hundreds of thousands of people had been released from the unjust shackles which had before been imposed on them. He was not so much surprised, under the circumstances of the case, that a few acts of violence had been committed, as that they were so small in number. If an attempt were made to re-enact those laws, it would, he was sure, be prejudicial to the peace and tranquillity of the country.

Sir *M. W. Ridley* thought it right to say, that the committee had no such intention, as that to which the hon. member had alluded. They had only considered what the effect of those laws had been. To that simple inquiry they confined themselves, without indulging in any idea as to what their future conduct should be. They had opened their doors to petitions from all quarters; they had endeavoured to get as much information as possible; and, whatever they might ultimately recommend to the House would depend entirely on that evidence.

Ordered to lie on the table.

Corn Laws.] Mr. *T. Wilson* rose to present a petition, signed by a numerous and respectable body of the merchants, bankers, ship-owners, and other inhabitants of the city of London, amounting to upwards of 5,000 persons, on a most important question; namely, a revision of the Corn laws of this country. He hoped, as the subject was one of deep and general interest, that the House would favour him with their attention, while he made a few observations upon it. The petition was the result of one of the most numerous and respectable public meetings that ever was convened. The meeting was so unanimous, that but a single hand was held up against two of the resolutions on which the petition was founded. The petitioners begged leave to express their opinion, that a high price of food generally, as compared with the price of other countries, was a very great evil: it deprived the mass of the people of many comforts; it lowered the energy of labour in this country; it retarded the production of wealth; it had an injurious effect on commerce; and was prejudicial to the English character, generally, in foreign markets. They were also of opinion, that the constant variation in the price of corn was an evil scarcely less than the existence of extravagant prices themselves. Under the existing system, the people never could have the benefit of corn the growth of foreign countries, until that article had reached a very high price here. In consequence, they had to pay nearly double the sum which ought to be paid for that article when imported, because the foreign markets were guided by ours; they assimilated as nearly as they could to our prices; and when those prices rose, a progressive rise took place in the continental markets. By delaying to open the ports until corn was at an extravagantly high rate, they were ultimately obliged to pay double the price for which they might have purchased it, had the ports been opened a few months before. There was another inconvenience produced by this extraordinary rise of price. When the price mounted up to a great height, foreign countries were immediately induced to unlock their surplus produce, for the purpose of deriving the benefit of that high price. When corn thus came in from all quarters, the market was completely deluged with it; and it afterwards took three, four, or five years to relieve the country from it. During this time the landed interest must bring their corn to market under circumstances of great disadvantage. They were compelled to sell it for what they could get; which would not be the case, if there was a fair protecting duty, and the ports were allowed to be commonly open. Under these circumstances, and considering, likewise, that the present law was subject to great abuse, and that the regulation of the trade had not operated in the way which was contemplated when the law was framed, the petitioners came to parliament to request that the act should be repealed, and that a different and more beneficial system should be pursued. They stated, that a fixed duty on the importation of corn appeared to them to be the most wise and efficacious measure that could be adopted. It was, they conceived, the only way in which a fair trade could be carried on; since by it they would get rid of the mischief to which the country was at present liable from fraudulent returns; and, if the landed interest did not get such very high prices as they did from time to time, they would receive fair remunerating prices, and would enjoy a steady market. The petitioners took the liberty of stating their belief, that the difference between the charges in one country and in another afforded the best criterion of what a protecting duty should be. The petitioners wished such a duty to be levied as would allow corn to be sold at a fair price. They were by no means desirous that it should be so low as to induce a depression of price, that would be injurious to the landowner. The petitioners observed, that it might be supposed, by those who had not considered the subject, that the manufacturing interest was at variance with the landed interest. This they denied; and they declared their firm conviction, that the principles advocated by them, would, on the contrary, lead to an increase of trade which would be most beneficial to both parties. As he had been intrusted with this petition, he would say, that as no man would go further than he would to place this trade on a proper foundation, so no man would approach the subject with greater delicacy. It was hardly possible for any person to say what was the exact price which would afford a fair protection to the landed interest. In apportioning that protection, if he erred, he certainly would rather err by giving too much than by giving too little. He was anxious, as far as possible, to place trade of every kind on a footing conformable with the sentiments of the right hon. gentleman who was at the head of the Board of Trade. There was one circumstance which rendered it awkward to bring this subject before the House at the present moment—he meant the returns, from the British consuls, of the prices of corn at different markets on the continent. They were so low, that he feared the circumstance would stagger the feelings of some gentlemen. But, it should be recollected, that for five or six years this country had not been open to the grain of the continent. There must, therefore, during that time, have been a great accumulation of corn; and it was no argument to say, because wheat was now at 20*s.* the quarter, that it would not rise to 30*s.* or 40*s.* when the ports were opened, and a part of the superflux disposed of. If the landed gentlemen consulted their own interest, they would take the present time, when the manufacturing and mercantile system was in a course of revision, and when agriculture was well paid, to assist in the alteration of the Corn laws. The petitioners were most anxious that their sentiments should be laid before the House, previous to the discussion of this subject, on the motion of the hon. member for Bridgenorth. He feared that he had stated their opinions in an imperfect manner; but he hoped he had said enough to show, that the petitioners were not hostile to the landed proprietors; but that they merely wished to remove a system, which produced fraud and inconvenience, and for that purpose were desirous that a fixed rate of duty should be established.

Mr. *Gooch* said, that the petition was certainly entitled to the attention of the House, as it came from a most respectable body of individuals. He should not, therefore, object to its being received; but, if any subject ought to be less tampered with than another, it was this very subject. He would ask, was there, before the hon. member for Bridgenorth gave notice of his motion, a single petition on the subject of the Corn laws? Did not every class of his majesty's subjects appear contented? Did not his majesty, in his gracious speech from the throne, declare that tranquillity and happiness reigned in every part of the country? If this was the case, he must call on the hon. member for Bridgenorth to state a much stronger case than he had yet made out, before he could assent to the intended alteration. He did not mean to say that the Corn laws did not want revision. The time might come when it would be necessary to revise them. But that time had not arrived. At present, corn was only kept up to a fair price. He wished the hon. alderman and his friends in the city, had let this question alone. If interference were necessary, the country gentlemen could act for themselves. At present, he believed, the workmen in the city received greater wages than they ever did. They had nothing to do on Sundays and Mondays, but to stuff themselves with roast beef and plum-pudding. To talk of poverty in the city, was all a mere humbug. The agitation of this question had created a ferment throughout the country; and he had received many letters expressive of the great apprehensions that were entertained with respect to the proceedings of parliament. Individuals were afraid, if the system were altered, that they would be reduced to the same situation as that in which they were placed some years ago; and that they would be again borne down by the poor-rates. He would say to the country gentlemen, that they would be duller "than the fat weed that rots on Lethe's wharf," if they did not exert themselves on this occasion. He would ask of the right hon. gentleman, whether his majesty's government intended to make any proposition on this subject in the present session?

Mr. *Huskisson* said, that the hon. gentleman wished to know whether it was the intention of his majesty's government to propose any general measure of relief with respect to the state of the Corn laws in the present session, and he had no difficulty in stating to him in answer, that his majesty's government had no such intention. If it had been contemplated in the present session to introduce such a measure, he thought it would have been the duty of those to whom it was intrusted to have taken an earlier opportunity for bringing it forward. But, viewing all the circumstances connected with the present state of those laws, and all the considerations which were embraced in so extensive a subject, it would, he thought, take up much more time than was convenient, if he entered into any detail, until the question was fairly before them. He would himself suggest to parliament, at an early period of the next session, the propriety of entering on a general revision of the state of the laws for regulating the trade in corn between this and foreign countries. If the hon. member for Bridgenorth brought forward his motion on Thursday, he would have an opportunity of stating the reasons which had induced him and his colleagues to adopt the opinion, that it was not desirable, in the present state of the session, to go into the inquiry. At the same time, he felt no difficulty in saying, that he had a proposition to submit to the House on a matter that was connected with this subject: he alluded to the wheat which was now shut up under bond. He thought it would be useful, even to that class of persons who objected to an alteration in the Corn laws, if that wheat, under certain regulations, were suffered to come into the market.

Mr. *Heathcote* earnestly hoped, that the hon. member for Bridgenorth would not bring this question forward. The subject was now agitating the country in an alarming degree. Why should they go into this question now, when they were told that they would have it all over again next year?

Mr. *Whitmore* said, he was sorry it was not in his power to comply with the suggestion of the hon. gentleman. He was persuaded that considerable advantages would arise from the discussion of this very important subject; and therefore he should bring it forward on Thursday. So far from creating that degree of alarm which gentlemen declared had been produced by the notice on this subject, he felt a firm conviction that the statement he should make on the occasion would considerably allay any unpleasant feelings which existed at present. A few words had fallen from his right hon. friend, as to the late period of the session, which he held to be a reason for not bringing the subject before the House at present. That, however, was not his (Mr. Ws.) fault; as he had given notice of his motion at a very early period of the session. But it had been postponed on two different nights, to make way for the Roman Catholic Relief bill. He hoped the House would come to the discussion on Thursday, fully and firmly resolved to investigate it with that temper and coolness which he was persuaded it deserved.

Mr. *Curwen* said, that, although he should not probably agree with the hon. member for Bridgenorth in his whole view of the subject, there was one point in which he would agree with him; and that was, in the conviction, that there was not a sufficient quantity of grain to serve the country until another harvest arrived. He was satisfied that they had been for some time consuming more in proportion than they grew. He was therefore favourable to inquiry.

Mr. Alderman *Thompson* wished to know whether his right hon. friend meant to persevere in his intention of bringing in bills for the repeal of the duties on foreign manufactures? If he did, the present state of the Corn laws would inevitably prevent our manufacturers from competing with those of foreign countries; particularly if protecting duties were to be reduced from 60 to 10 and 15 per cent, as was contemplated.

Mr. *Baring* said, that the House and the Country could not possibly be placed in a more unpleasant situation than that in which it would assuredly be plunged by the course which government intended to take on this occasion. The hon. member for Suffolk had asked a question, as if he had a right not only to an answer, but to such an answer as he wished himself. The right hon. gentleman had said, in return, that the government would do nothing this year, but that they would, early in the next session enter into an examination of the whole subject of the Corn laws. Now this was the most disadvantageous step that could be taken. The hon. member for Boston had told them, that there was a considerable ferment in the county of Lincoln; and the course his majesty's ministers were about to adopt was calculated to produce a state of excitement throughout the entire country. Whilst this question remained undecided, no landlord could tell what his lease, what his agricultural property, was likely to be worth; for it was an undoubted fact, that the value of the lease depended on the scale of protection which was extended to the growth of corn. In such a state of things, landed gentlemen could not make settlements and arrangements regarding their property. They could not tell what provision they might make for themselves, or for those who were to come after them. All this depended on what would be done to regulate the price of corn. When the right hon. gentleman said, that nothing would be done now, but that next year the question should be looked into, did he not perceive that, during all the intermediate period, he was keeping up a clashing of interests? It was saying, "You shall go through the whole year under a vicious system, which government intends to cure next year." The hon. member for Suffolk had admitted, that the law was most unsatisfactory; but then he said, "O you must do nothing with it."

He should like to hear from that hon. gentleman, why the present was not a proper time for considering this question. He should like to know why the country was to be kept in a state of alarm for a whole twelve-month. It did not become them, in the discharge of their duty, to sit there, and do nothing with this question until next year. He conceived that the protection afforded by the present law was too high. There ought to be a protection; but he objected both to the form and the amount of the present protection.

Mr. Alderman *Wood* said, that the meeting at which the petition was got up, had assembled at a very recent period. He could not, therefore, conceive how their proceedings could have disturbed the country. When so many measures were adopted in furtherance of the principles of free trade, it was fitting that an alteration should be made in the corn trade. The country would be placed in a most unfavourable situation, if, when the duties were lowered on foreign manufactures, the price of bread was continued at its present high rate. Under such circumstances, it would be impossible for England to compete with foreign countries.

Sir *E. Knatchbull* expressed a hope, that the hon. member for Bridgenorth would see the expediency of putting off for the present the motion of which he had given notice. He deprecated any alteration in the existing laws, until the necessity of such alteration had been proved by the actual experience of some inconvenience. After the declarations which had been made by ministers, that it was not their intention to propose any alteration in the course of the present session, to procure the appointment of a committee would be altogether useless.

Lord *Milton* said, that, as he had presented so many petitions to the House on both sides of this subject, he could not allow the opportunity to pass without making some remarks upon it. The petitions to which he alluded came from two classes of the people. One was, that of the landed proprietors, who wished for no alteration in the laws; the other was, the class comprising the manufacturers, who felt that the price of food was enhanced by the existing regulations, and who therefore wished them to be abrogated. The first class of petitioners complained, that they were just recovering from a state of great depression, and that they required the protection which was now afforded them. The manufacturers, on the other hand, stated, that they were entitled to share the benefits which were at present exclusively enjoyed by the growers of corn. They urged, that, as the agriculturists had very lately received a considerable boon in the free exportation of wool, they were entitled to be relieved from the restrictions on the importation of corn. He expressed his regret at the decision which had been come to by his majesty's ministers to postpone for the present any alteration. He thought it was their duty to come to a decision on so important a subject at the earliest possible period. He perfectly agreed with the hon. member for Boston in thinking, that the country would be in a state of ferment and alarm; and he would ask whether it was right that such a state of things should continue until the next session, and, perhaps, until a general election took place? But, it was urged, that such a question should not be agitated, unless upon the most pressing necessity. He would ask, whether the price of the food of the people was not at all times a question of importance, and of pressing necessity? He would ask too, whether it was not better to discuss such a question at a time of general prosperity, than wait until additional protections were prayed for on the one hand, and petitions for cheap bread preferred on the other? At a period like the present, when the prosperity of the country was increasing, and when the minds of men were cool and undisturbed, it was, that a question of such vast national importance should be discussed. He hoped, therefore, that the hon. member for Bridgenorth would persevere in his motion; as he was sure that much advantage would be derived from discussion.

Mr. *Wodehouse* expressed his dissent from the view which had been taken of this subject by the petitioners.

Mr. *Frankland Lewis* said, that as for any idea which might be entertained of setting this subject at rest without a very full discussion, it was wholly out of the question. The matter was too important and too generally interesting to admit of any other mode of disposing of it. The law, as it existed, was bad, because it was placed upon a very inconvenient footing; and it was also wrong in two points; first, because the degree of protection was fixed in a depreciated currency, and it was therefore impossible now to ascertain its just amount; and secondly because the returns were made in an incorrect manner. He was perfectly ready to admit, that although he had voted in the year 1815 for the law as it was then altered, he was now sorry that he had done so, being convinced that the alteration between a free importation on the one hand, and the entire exclusion of corn on the other, was a most injudicious and erroneous regulation. He thought, however, that it was highly preposterous, that his right hon. friend, whose attention was occupied with so many subjects of not less importance than this, should be called upon at once to come to a decision upon a topic which would require such deliberate discussion. It was far too mighty to be grasped by any individual, and could only be safely and satisfactorily treated by the united consideration of the government and legislature.

Mr. *Calcraft* thought, that ministers were bound to fix the earliest day for the decision of this important subject. His complaint against them was, first, that they had not done so; and, secondly, that they had not given the House timely intimation of their intention not to touch the question during the present session. He maintained that it was not too late to enter into a revision of our Corn laws; and if it were, he agreed with his hon. friend, in thinking, that the session ought to be extended, in order to afford time for doing so. It was well known that the country was imposed upon by frauds in taking the averages, and that a remedy for the evil was loudly called for. He thought originally, and thought still, that the protecting duty was too high; but, notwithstanding this, and the great facility given to fraudulent returns of the prices, the right hon. gentleman was not inclined to go even so far as the averages. The course adopted by his majesty's ministers was, to say the least of it, the most inconvenient that they could possibly have hit upon. The House and the country had a right to find fault with them for not having taken an earlier opportunity of making known their intentions on the subject. He hoped, at least as far as the averages were concerned, that ministers would consider their decision and immediately do something to correct the evils of the system.

Sir *T. Lethbridge* said, that the landed interest had nothing to do with the bringing forward of this question at present. Since it had been agitated, considerable excitement had taken place in the country; and he thought that the right hon. gentleman ought to come forward with some measure, and take the subject out of the hands of his hon. friend. He never wished to see prices higher than they were at that moment, and should be happy to see the old principle of open ports and fixed duties again acted upon. There were at that moment 400,000 quarters of wheat in bond, which might be released with great benefit to the public. With respect to the amount of the duties, all he had to say was, that it was better they should be too high than too low? because it would then be easier to alter them.

Mr. *Huskisson* hoped that the House would allow him, under the peculiar circumstances of the case, to go beyond the strict limit of an explanation. The hon. member for Wareham had complained, that ministers had not given notice that it was not their intention to bring forward any measures regarding the Corn laws this session. Now, he appealed to the experience of every member who heard him, whether it was at all the custom for government to give notice, not only of what they did, but of what they did not intend to do. He had said, however, that it was not his intention to take up the subject until next year; he had made no secret of it, but had undisguisedly told every member who chose to ask him the question. Another hon. member had inquired, whether the hon. gentleman had given his notice in concurrence with the wishes of the ministers? That question had been already answered. The hon. member for Taunton had complained of the present state of the Corn laws, as if it had been now for the first time admitted that they ought not to be permanent. He would, however, take that opportunity of observing, that, so far from the present laws being permanent, it was expressly stated in this report of the committees, in 1821 and 1822, to be only a temporary arrangement. He felt obliged to throw himself on the candour of the House, in the situation in which he found himself. He had entered the House at the close of the speech of the hon. member for the city, and had scarcely heard one word of it, when the question had been put to him, out of which the present discussion had arisen. He had replied—and it was the only reply he could make under such circumstances—that when the time for debating the subject should arrive, he would be ready to enter into it. At the same time, he did not hesitate to say, that he thought it would be impossible to come to any conclusion during the present session. The hon. member for Kent had said, that he wished no alteration to be made until some actual inconvenience had been felt. That, however, was begging the whole of the question; because, the very reason put forward by those who advocated an alteration in the law was the general inconvenience which had been experienced. He again appealed to the House, to give him credit for having weighed well the reasons which had induced him to withhold any proposal on the subject, and to wait until the motion of the hon. member for Bridgenorth should be before the House, when he intended to explain the operation of the change in the system of duties on the manufacturing interests, and the consequent effect which must be wrought in the corn laws. He should also be then prepared to state what it would be more easy to accomplish in the next session, with respect to those laws, and to show the expediency of adopting some protection, by means of duties, instead of the present objectionable alteration between a free trade in, and the entire exclusion of corn.

Mr. *T. Wilson* expressed his satisfaction at the last part of the right hon. gentleman's speech, though he thought he had been guilty of some little inconsistency with respect to the Corn-laws, as compared with his other commercial regulations.

Ordered to lie on the table.

Mr. Robert Gourlay.] Mr. *Hume* presented a Petition from the parish of Forfar, praying that a commission might be appointed to inquire into the case of Mr. Robert Gourlay. The petitioners were impressed, like many others, with an opinion, that Mr. Gourlay had been severely and unjustly treated.

Mr. *Peel* wished it to be understood, that Mr. Gourlay was not detained at the instigation of government. He was merely under the operation of the laws. If any person could be found to give security for his peaceable demeanour, he would not be detained one hour longer.

Mr. *Brougham* concurred with the right hon. gentleman, but observed, that owing to the solicitor for the Treasury having attended at Mr. Gourlay's examination at Bow-street, an opinion had got abroad, that he was detained at the instance of government. This he knew to be incorrect; and he wished it also to be understood, that he (Mr. B.) had in no way been the cause of the poor gentleman's being kept in prison, nor had he taken any one step to have him lodged there. He had had no quarrel with Mr. Gourlay, and the circumstances under which he had committed the outrage upon him (Mr. B.) were such, as, whatever opinion they might give him of the soundness of his intellect, could not create any anger towards the individual. The petition of which he spoke he had put into his (Mr. B's) hand three or four years before, and it related to the education of the poor. Mr. Gourlay wished him to introduce upon that occasion a statement of his own case; and he, although it had nothing in the world to do with it, had complied, and had made that statement. When Mr. Gourlay committed the outrage upon him, he had said, "Let the dead bury the dead," alluding to the case of Mr. Smith, the missionary; and he had added, "If you can find time to attend to the affairs of a dead missionary, why do you not attend to mine?" He believed that Mr. Gourlay had experienced very harsh and unjust treatment in Canada. The learned gentleman concluded by declaring, that, as far as he was personally concerned, he had no objection to the liberation of the petitioner.

Mr. *Peel* said, that the petitioner was treated in the same way as any person who was detained under similar circumstances. He was originally detained for a breach of privilege in assaulting a member in the lobby of the House, in doing which he had declared that he was only imitating a high example—of scourging sinners out of the temple.

Mr. *J. Williams* said, that Mr. Gourlay had given him a petition to present to the House, in which he complained of the manner in which he was treated with regard to the food which was given him; but, at the same time, he spoke with the greatest respect of the magistrates, and particularly of the humane conduct of the govenor of the House of Correction.

Ordered to lie on the table.

County Transfer of Land Bill.] Mr. F. Palmer moved the second reading of this bill.

Mr. *Peel* characterized the bill, as a very important measure, and declared himelf in favour of its principle. He wished, however, the hon. member would, after it had been committed, allow it to stand over, to afford opportunity for local inquiry on the subject.

The *Solicitor-General* was also of opinion, that the measure was one of considerable importance. The object of the bill was, to enable magistrates of counties to purchase isolated parcels of land which belonged to other counties from those in which they were naturally placed, and thus caused much inconvenience, with respect to the administration of justice, the collection of taxes, the raising of the militia, and other matters. There was, he believed, a piece of land of this description in Berkshire, which belonged to the county of Wilts, and there were many others in other parts of England. He was of opinion, that it would be intrusting magistrates with too great an authority, to enable them to determine what parts of counties, as at present existing, should be annexed to others. The principle of the bill was too important, and the details too complicated, to allow of its being carried into effect, except by a committee of the House of Commons.

Sir *T. Acland* said, he was much interested in the measure; which he hoped the hon. member would withdraw for the present session.

The bill was then read a second time.

Court of Chancery.] Mr. *J. Williams* begged leave to ask the right hon. the Secretary for the Home Department, whether there was any prospect of the report of the commission appointed to inquire into the practice of the Court of Chancery being laid before the House?

Mr. *Peel* said, he was not prepared to give a satisfactory answer to the question. He could have no official communication with the commissioners until the report was made. As to the progress made in the inquiry, or the approximation towards the completion of the report, he really possessed no official information. He would advise the hon. member to address his inquiry to the hon. member for Exeter, or some other member of the commission.

Mr. *Brougham* expressed his surprise, that the commission had not yet laid any information before the House, as to their proceedings; particularly as the Solicitor-General had, some time ago, informed the House, that they might soon expect a "partial report," to use his own words, on the subject.

Mr. *W. Courtenay* said, it would be improper for him to attempt to fix any time at which the report of the commission would be made; but, this he would state most distinctly, that the commissioners had not been idle. There was, he could assure the House, no wish, on the part of any member of the commission, to create the least delay as to the presentation of the report. He believed he might say, that the report would be presented in the course of the session; but he would not be understood as pledged to that declaration. He was sure the House would see the propriety of his speaking thus guardedly, when they recollected, that the object of the commission was, to inquire into the practice which had existed for centuries in the highest court of judicature in the kingdom. Whatever his hon. and learned friend might think on the subject, the commissioners were of opinion, that no alteration should be made in the practice of that court, without full and deliberate discussion. The commissioners had reviewed the whole practice of the court from its very commencement; and before they could be prepared to recommend any improvement of the present system, they must take time to consider the subject deliberately.

HOUSE OF LORDS.

Tuesday, April 26.

Equitable Loan Bill.] The Earl of *Lauderdale* presented a petition against this bill from the sugar-bakers of London. He would take that opportunity also of calling their lordships' attention to the present state of the bill. The bill had been brought before their lordships and read a first time; but no noble lord had yet given notice of any intention to move the second reading, unless a private information he had received from a noble friend behind him might be considered as such a notice. Since the measure had been introduced, he had employed himself in laying before their lordships all the information connected with the subject, which could enable them to come to a right decision, and form a correct judgment of the petitions which stated that the company was illegal. He had moved that these papers should be printed; and he trusted, that until they were printed, no noble lord would move the second reading of the measure. After they were printed, he would move that the petitioners, who prayed to be heard by counsel at the bar, and who alleged that the company was illegal, should be heard; and, if their assertions were made out, he was sure that there was not one noble lord who would be ready to grant privileges to an illegal society; more especially so immediately after the bill for putting an end to an illegal society in Ireland. This case stood on its own footing, but it involved questions so important, that he should certainly move for the attendance of the judges, to put to them questions relative to the legal question. Their lordships would at the same time agree with him, that the time of these learned persons was too valuable for their lordships to occupy it needlessly: he should therefore move that the question of law be argued separately from the other details of the bill.

Lord *Dacre* rose to give notice, that he intended to move the second reading of the bill; but he should wait until the papers were printed.

Corn Laws.] Lord Melville presented a petition from the commissioners of supply, justice of the peace, and freeholders of the county of Edinburgh, praying that no alteration might be made in the present system of the Corn Laws.

The Earl of *Roseberry* presented a similar petition from the commissioners of supply and freeholders of the county of Ross. He was happy to hear that the opinion of the noble earl opposite was, that some change was necessary; but, entertaining such an opinion, he could but regret that the general question should not have been gone into during the present session. He was not himself prepared to say what change was desirable. There were many and great difficulties connected with a fixed duty; but, at the same time, the present system, by which corn was altogether excluded until it reached a certain price, was very injurious. He was happy, however, to see that ministers, by the introduction of the two measures, relative to Canada corn, and corn in bond, had taken precautions which would prevent the ports from being open. These were both good measures; and he hoped no person connected with the landed interest would feel any jealousy concerning them, or endeavour to oppose them.

The Marquis of *Lansdown* rose pursuant to notice, to present a petition, praying for the revision of the Corn laws, from the merchants, bankers, manufacturers, and others, of the City of London. It was his intention to have called their lordships' attention to the subject on presenting their petition; but, after what had been elicited from the noble earl opposite yesterday, he felt that he should only be trespassing on the House to go into the general question at any length. At the same time he felt it a duty which he owed the petitioners to say, that the petition was most respectably signed, having attached to it 6,000 names, and among them those of the principal bankers, merchants, and commercial men of London. It was also his duty to state, that while the petition prayed for an alteration in the Corn laws, it by no means contained an unqualified demand of free trade. It called for importation under a protecting duty, capable of counterbalancing the burthens imposed on the British cultivator; and the petition could not, therefore, be said to come from persons who were led away by abstract principles, or theories. —He had already stated his own opinion of the necessity of some alteration in the Corn laws; and he fully concurred with the noble earl opposite, as to the impossibility of doing any thing on the subject at this late period of the session; but here he must observe, that he was convinced the alteration could not be long delayed without great danger. The keeping up the present system with the avowed determination to alter it, must be attended with great inconvenience, from the incitement it would give to speculation. It was impossible to look at the prices of corn in this country compared with the rest of Europe, without entertaining the apprehensions of their being run up here to 85*s*., which would open the ports, and cause an influx from all parts of the world. Such an event might bring the price of corn down to 40*s*. or even to 30*s*. the quarter, and thus produce one of the most violent revulsions this country ever experienced. Under these circumstances, he approved of the admission of corn from Canada, and of the intention to release the foreign corn bonded in the warehouses. He hoped that the effect of those measures would be to prevent corn from rising. Against such a revulsion as the opening of the ports would produce, it was the duty of parliament to provide, and that he thought could only be done by something like a fixed duty; but, the security to be derived from such a measure, would mainly depend upon the duty being of a permanent nature. He admitted that there were difficulties in the way of determining what that duty ought to be. It was undoubtedly true, that war would have the effect of altering the price of agricultural productions, by increasing the burthens on cultivation; but, at the same time, war gave the agriculturist an additional protection against importation, by increasing the price of freight. Thus there was a certainty of a countervailing protection, in the very circumstance which the noble earl had adduced as most likely to prevent the establishment of a permanent duty. Before he sat down, he must advert to one other point. As it had been positively stated in another place, that the agitation of this question had caused an alteration in the course of exchange unfavourable to this country, he would take that opportunity of assuring their lordships, that he had been informed, from the best authority, that that unfavourable course of exchange was in operation previous to any intimation of an intention to alter the Corn laws. It had been produced by a great demand from this country for cotton, coffee, and various other articles of foreign produce, which were paid for in money. The agitation of the question of the Corn laws might, in some degree, have contributed to the present state of exchange; but it certainly was not the sole, nor the main cause.

The Earl of *Limerick* agreed in opinion with the noble marquis, as to the mischievous consequences of a sudden opening of the ports, but could not concur with him in what he had said, as to the admission of corn from Canada, and the releasing of the bonded corn in warehouses. The consequence of the admission of Canadian corn would be to afford an inlet to the corn of the United States. There being only a river between the two territories, it was impossible to prevent smuggling; and the corn of the United States would, in future, be brought to this country, under the name of Canadian, as the timber of those states now was.

The Earl of *Lauderdale* did not rise to discuss the important question to which their lordships' attention had been called, but to make one brief remark on what had fallen from his noble friend. The noble marquis had stated, that he had it from authority that the alteration which had taken place in the rate of exchanges was occasioned by the importation into this country of raw produce from abroad; and he had also said, that that importation originated in a demand for our manufactures. [Here lord Lansdown observed that he had been misunderstood.] Well, then, he was wrong in his manner of stating what had been said, but that made no difference as to the argument, because a demand for raw materials could originate in nothing else. But, if the demand were both ways equal, there could be no variation thereby produced in the exchanges; there would then be only an equal value going out and coming in. If there was any difference, it must arise from the state of the demand for home consumption. And here he wished the manufacturers would bethink themselves in time, of the consequences which would infallibly ensue, if the landed interest was impoverished. It was only when the landed interest was in a state of opulence that the manufacturer flourished. In this country the landed, mercantile, and manufacturing interests could not be separated. If the landed interest were thrown into a situation in which they could not consume largely, no class in the country would suffer therefrom so much as the manufacturers.

The Marquis of *Lansdown*, in alluding to the alteration in the course of exchange, observed, that he had stated that it occurred before the agitation of the corn question; so long ago as thirteen or fourteen months. He believed it to have been chiefly produced by a demand for produce from abroad; but he had not said that the importation was paid for by manufactures. On the contrary, he ought to have gone on to say, that the foreign articles had been paid for in specie. In consequence of a great demand for coffee and cotton, persons had speculated on a great rise in those articles, and importations had in consequence taken place from all parts of the world. He admitted the justice of the general principle stated by his noble friend, and agreed with him in opinion, that the true foundation of the manufacturers' prosperity was the growth of the home demand. He hoped the manufacturers would remember, that it was to the increase of that demand that they had recently been indebted for their relief from a state of great difficulty and depression.

The Earl of *Liverpool* observed, that when the object was, to ascertain the cause of any difficulty, it was not unusual with inquirers to run into speculative extremes. In the present instance, his opinion was, that the truth lay between the noble marquis and the noble earl. He agreed, that one great cause of the alteration in the rate of exchange was the demand from the continent for manufactures which we paid for in cash; but he did not believe that the noble lord was correctly informed, when he alluded to the possibility of the ports being opened without producing any great effect. There were at the present moment, as he was informed, extensive speculations going forward on the continent, in the article of corn; but things must take their course, and these speculations should not be permitted to alter the proceeding which parliament might think proper to adopt. As to the propriety of attempting no alteration at the present session, he would rest it upon this consideration—that it was not probable they could come to any conclusion in the course of the session. As to the apprehension that was expressed on the subject of the exportation of corn from the United States of America, he thought it was considerably over-rated; for if they looked to an account of the corn brought from the United States in the shape of flour, and all the corn was brought in that shape, their lordships would see that there existed no reasonable ground of alarm. They would find that the great supply in times of scarcity came not from America, but from the countries bordering on the Baltic. The immense expense of conveyance, and the long passage from the United States, would always operate as a sufficient check in that quarter; even if they had such immense supplies as seemed to be anticipated by those who were fearful of the amount of exports from America. That objection being removed, and there being other means of checking the interference of the United States, Canada was entitled to a preference as a part of the British dominions, above all other countries, if it should be found necessary to give encouragement to any.

Lord *Ellenborough* thought it was impossible to legislate permanently on the subject; for that could only lead to absolute freedom or absolute prohibition. If they would legislate with equal justice between the consumer and the producer, they must change with the changing circumstances of the times. What would be a fair duty this year, would not be a fair duty next year; and he regretted much, that at a period when the manufacturing and agricultural interests were in a state of prosperity, the question should have been introduced, and the inconveniences of a prospective change incurred without any necessity.

Lord *King* observed, that the noble earl opposite had stated that some change would take place. Undoubtedly some change must take place. And, why must it? Because corn was too dear. Now, if that was the case, a great injustice would be done to the consumer by not adopting it without delay. Why should it not be adopted this year, instead of next year? The delay was injurious to the landed interests, now that it was announced that a change was to take place; seeing that it was calculated to unsettle their bargains and other transactions. He conceived that the landed interest, who paid poor rates, and church rates, and tithes, had a right to call for a protecting duty. About 10 or 12*s.* a quarter on wheat, and a proportionate duty on barley and oats, would, he thought, afford the landlord a fair compensation for those rates which were paid exclusively out of the land. This question, however, ought to be a measure of government. It ought to be settled, as it was termed in courts of justice, out of court; and he would rather choose the noble earl opposite and the president of the Board of Trade to settle it, than any parliamentary committee.

Lord *Dacre* wished to abstain from giving any opinion upon this subject, until it came fairly before the House; nor should he now have offered any observations upon it, but for the manner in which his noble friend had just spoken of it. His noble friend had said, that 10 or 12*s.* would be a fair protecting duty. But, their lordships could not decide whether or not that would be enough to pay the expenses of the grower, until they first ascertained the relative expense of living in this and other countries. There were many other considerations which must be also well weighed first. The system hitherto pursued had been beneficial to all interests: whether the one about to be introduced would be beneficial to the country, remained to be considered.

Ordered to lie on the table.

HOUSE OF COMMONS.

Tuesday, April 26.

CORN LAWS.] Mr. Huskisson presented a petition from the merchants of Liverpool, praying for an alteration in the Corn Laws.

Mr. *Baring* said, he would take that opportunity of asking the right hon. gentleman in what shape, and at what period, he meant to bring forward the propositions of which he had given notice respecting bonded corn?

Mr. *Huskisson* replied, that he would take the first open day for the purpose, and would move that the subject be referred to the consideration of a committee. It was certainly expedient that the bonded corn in question should be introduced into consumption between the present period and the next harvest.

Mr. *Bright* expressed the regret which he felt at the determination of ministers not to propose any general measure with respect to the Corn laws, in the course of the present session. He implored the House to interfere between ministers and the country on the subject; and to endeavour to set so important a question at rest. Who that had observed any thing of the disposition of the lower classes of the people in this country, was not aware that there was no topic calculated to operate upon them so mischievously, or to be so productive of agitation, as any question connected with a scarcity of corn? If any unpleasant consequences should result from the determination of ministers not to bring the subject under consideration before the next session, they would incur the heaviest responsibility. He must say, that, with respect to the commercial regulations which they had introduced, however desirable they might be in themselves, ministers seemed to him to have begun at the wrong end; and had regulated a variety of other matters while they abstained from any regulation respecting that article, on the proper regulation of which all our trade and manufactures depended. He trusted, however, that the numerous petitions which had and would be presented, would compel ministers to pay immediate attention to this important subject. He was quite sure that the eye of the country was fixed upon them; and he trusted, that the people would not permit the question to stand over to the next session.

ROMAN CATHOLIC CLAIMS.] Sir *W. W. Wynn* presented a petition from the Clergy and Inhabitants of Wrexham, praying that no further concession might be granted to the Roman Catholics. The hon. baronet declared his own opinion to be strongly in favour of the measure before the House for the relief of the Catholics; a measure to which he had always been friendly, but which, after what had fallen from an illustrious duke in another place yesterday evening, he was exceedingly anxious to see adopted with as little loss of time as possible; lest, by some unfortunate contingency, the country might be placed in the painful and dangerous situation of finding the sovereign directly opposed to the two Houses of parliament on one of the most important questions that could agitate the public mind.

Sir *T. Lethbridge* said, that he considered the declaration alluded to as a source of the greatest consolation to the House and the country. He had read the evidence taken before the committee, and he considered it all ex-parte evidence. The House could not legislate upon evidence which was only on one side of the question.

Sir *John Brydges* said, that he congratulated the House and the country on the patriotic, open, and manly declaration made last night by an individual, a most illustrious member of the Upper House. [Cries of order, order!]

The *Speaker* informed the hon. member, that it was entirely out of order to allude to any discussions that might have taken place in the other House of parliament. It was impossible to anticipate any thing irregular; but it was desirable, that any thing of the kind, if mentioned, should not be proceeded in.

Sir *John Brydges* said, that he had adverted to the subject as other hon. members had not been stopped. Not having been a member of that House when, at any former period, this question had been brought before it, he wished briefly to state his opinion of the measure, in order to justify the vote he should give upon the occasion. In doing so, he should not take up the time of the House by going at large into this momentous question, which had been so fully discussed, but advert generally to what had fallen from some honourable members who were friendly to the measure, in order to weaken, in some degree, any false impression their statements might have created. The burthen of the arguments they had used seemed to have arisen from an impression on their minds, of the necessity that existed, in these enlightened days, of a liberal policy being pursued in matters of church as well as state; that because monopoly in trade and commerce was recommended to be done away with, the same policy should be adopted in matters of religion; and that the Catholic, equally with the Protestant subject should be admitted to civil power, and the privileges of the constitution. No man was more an enemy to monopoly than he was; no man more sensible of the impropriety of interfering with another's faith than he himself; and, as he would be done by, so he would do to others, he would resist, to the utmost of his power, any further concession to the Roman Catholics which would afford them greater facilities than they at present possess to make converts to their religion. From what had fallen from many honourable members, it seemed, that they considered the guards and enactments which had been so wisely framed by our ancestors for the preservation of the established religion as so many obsolete statutes, and that the sooner they were abolished the better. He was himself no bigot; he respected every man who did his duty, be his faith what it might; but, he never would consent to substitute the blessings of the pure Protestant faith for the weak and disgusting mummery of the Roman Catholic religion. He was aware that hon. members would say, that they did not desire to interfere with our established religion; that they sought only that that part of the empire (and they stated this to be a very considerable portion of it) which was debarred, at present, by religious disabilities, should be admitted to an equal participation in the civil privileges of the state, with those who professed the Protestant faith. His answer to that was, that though they might not be desirous to interfere with our religion as at present established, yet he was satisfied, that, if the Roman Catholics were once admitted to power in temporal affairs, they would never rest until they had destroyed the Protestant, and substituted the Catholic religion in its stead. The history of all ages told us it must be so: human nature pointed it out, and it was folly to think it could be otherwise. One of the many deceptious arguments that had been used was, that six out of seven millions of the subjects of the realm ought not to be deprived of those advantages possessed by the rest; thus asserting, that a majority of six to one was in favour of this measure. But, it ought to be recollected, that this six to one was in Ireland only; and that, if the whole empire was consulted, it would be found that far more than six to one were against granting emancipation to the Roman Catholics. Assertion, however, was no proof; and he disbelieved that any numbers at all, approaching to six millions, were desirous of emancipation: in fact, he believed, that the mass of the population were indifferent upon the matter; and that there would be few voices raised upon the subject, were they not goaded on by a democratic faction, the curse of Ireland, which would not permit the people to be quiet. Ministers had rendered essential service to Ireland, by removing the barrier duties between the two countries; but did it follow that they were to remove the barrier of our religion? God forbid it! It gave him sincere satisfaction to witness, within these few days, the hundreds of petitions that had been laid upon the table against further concessions to the Catholics. It was a proof that the apathy which had prevailed no longer existed. It was unimportant whether they had personal signatures, or were vouched by crosses or other marks, as all were equally the tests of their authenticity; and should the hon. and learned member for Winchelsea be more successful than he had been the other evening in the charge he made against the petition from Grantham, still, he said, it was immaterial how they were vouched, so as the voucher was genuine, and was that of the petitioner whom it purported to be. Assertions had been made by hon. members, which he could not let pass unnoticed. He was astonished and ashamed that any British senators could so far forget their situations as to argue, that it was expedient—nay, that it was necessary—that this House should yield to the demands of the Catholics, for, if not, they would take them by the power they possessed, notwithstanding the opposition of the legislature. Sooner would he perish, limb by limb, than yield to such unworthy menaces; and, he trusted, there was virtue and firmness sufficient in the House to do its duty fearlessly, and not yield that to intimidation, which their honest judgments told them they should not grant; not to regard that accustomed croaking tone of the right hon. baronet, the member for the city of Waterford, who for so many years had warned the House, that, if the rights of the Roman Catholics (as he was always pleased to term them) were refused, the empire would be overwhelmed with anarchy and confusion; but which, notwithstanding these forebodings, he congratulated the House, had not taken place. In conclusion, he implored hon. members to dismiss from their minds all bias from party considerations, and neither from favour or affection on one hand, or from fear on the other, be induced to give any other vote upon this vital question than such as their best judgments should prompt from the conscientious dictates of their hearts. As for himself, he was so satisfied that, if the Catholics were admitted to power, the Protestant establishment must be overwhelmed, and our glorious constitution annihilated, that he should feel it his duty to give his support to the amendment of the hon. member for Corfe Castle.

Mr. *Wells* presented a petition from Maidstone, against any further concessions to the Catholics. The hon. member expressed himself inimical to any further grants to the Catholic body.

Mr. *Robarts* said, that, although the petition was carried at a very respectable meeting of the inhabitants of Maidstone, he was able to state, that a vast number of the people in that town entertained opposite sentiments with respect to religious toleration. He had formerly been adverse to what was commonly called Catholic emancipation, but, after having heard the speeches of the Attorney-general for Ireland, and of the Secretary of state for foreign affairs, his views had been entirely changed, and he much regretted that he had ever voted against the Catholic claims. So firm were his sentiments upon the subject, that as long as he should have a seat in that House, no consideration whatever would induce him to withhold his support from the measures intended to relieve the Catholics from their political disqualifications.

Mr. *John Smith* regretted that his hon. friend who presented this petition should oppose the claims of the Catholics, as the question was rather political than religious, and both his hon. friend and himself had had personal opportunities of witnessing the mischiefs inflicted upon Ireland by the withholding from the Catholics their political rights. From what his hon. friend had witnessed in Ireland, he could not but be of opinion, that it was absolutely impossible to tranquillize that country without making concessions to the Catholics. He was convinced that very many petitions were presented to that House by members who did not take the trouble to read them. One petition recently presented upon this subject from Buckfastleigh, in Devonshire, had gone so far as to state, that the Catholic question was supported in that House only by those members who "were always seen in the van of those who are arranged against the welfare of our holy constitution in church and state." Now, what member would have presented such a petition, if he had been aware of its contents? One petition from St. Saviour's, Southwark, openly charged the Catholics with "insulting and persecuting their Lord God." Could any thing be at once more ridiculous and blasphemous? Similar words were to be found in two petitions from parishes in the heart of London. They were totally unworthy of beings removed from the lowest state of brute nature, and the petitions ought not to have been received by that House.

ELECTIVE FRANCHISE IN IRELAND BILL.] Mr. *Littleton*, in rising to move the order of the day that this bill should be now read a second time, requested the indulgence of the House, while he stated the nature of the measure, and the advantages which he thought were likely to be derived from it. His motive for bringing it before the House arose from a conviction which he had long entertained, that the present mode of exercising the elective franchise in Ireland was fraught with great evil, as it regarded the property of the country and the morality of the people. He thought that any measure which tended to alter the system that now prevailed in Ireland with respect to the elective franchise, that tended to check the mode by which vast numbers of available votes coming from the most ignorant class of Irish peasantry, for the greater part Roman Catholics, were procured, would receive the approbation of the Protestant community, at the moment when that community was called upon to extend important political rights to the higher orders of the Catholic body. It had been said, that his object was disfranchisement, and not regulation. It was unnecessary for him to stop now, in order to examine how far the measure which had been submitted to the House, and which was printed, bore the character of a measure of disfranchisement; since he had requested that the second reading of the bill should be postponed to this day, with a view of extending protection, as far as possible, to all present vested interests. If the right of registered 40*s*. freeholders to vote were to expire when the period of the registration of their freeholds was at an end, those who now enjoyed that right could hold it for only three years longer. But, the House would presently see, that provision would be made to preserve, in the most perfect and unqualified manner, all vested interests which were at present in existence. For this purpose, a clause had been framed, which provided, that nothing in this act should extend to prevent any person who had registered a freehold, or who should register a freehold, before the passing of this act, from renewing that registration. He hoped that this provision would go far to remove the opposition of those gentlemen who, on constitutional grounds, had objected to this measure. After the passing of the act, there would be a cessation of the practice of multiplying those votes arising from freeholds, determinable on lives; and it would cause the creation of a different description of votes, which would be of the utmost importance to Ireland. There was nothing whatever, in the bill, which pointed at disfranchisement. By the act of 1793, a certain description of peasants were allowed to vote —those, he meant, who held freeholds determinable on lives, of the nominal annual value of 40*s*. It was very easy to conceive the mischiefs which were inseparable from such a system; and it was to put an end to them—to take away the capacity of creating freeholders of this description—that the present bill was introduced; but, he repeated, that no existing vested interest was interfered with. If the Irish voters at all represented, in property or character, the freeholders of this kingdom, he would be the last man to interfere with so valuable a class of individuals: but, the former were not, in any way, similar to the latter. Their creation was, in fact, a fraud on the spirit of the law and of the constitution; because, by their great numbers, they kept down the real freeholders of the country. They effectually suppressed the expression of public opinion on the part of that body; because, whatever they might feel as to the fitness of a candidate, they could neither return nor reject him, if the great body of those 40*s*. freeholders was opposed to their wishes. The freeholders to whom this bill applied, were not, like the landholders of the country, the strength and honour of the nation: they were, on the contrary, its weakness and its discredit; for they ruined the very property which reared them. For these reasons, he thought the House would act most unwisely, if they did not apply some remedial measure to an evil of such magnitude.

Nothing, as he had already observed, which was contained in this bill, was founded on the principle of disfranchisement. It trenched on no freehold right similar to that which was known in this country; and, where the nature of that species of right was most departed from —even with regard to leasehold votes— it was a measure entirely prospective. Let the House look to what the real character of the system was. By the term "freeholder," in England, was understood, one who was in the actual and absolute possession of freehold property to the amount of 40*s*. or upwards. There was another description of persons who also had a right to vote; he alluded to those who had an annuity, or rent-charge of property to the same amount. Such persons ought, he conceived, in justice, to be deemed freeholders. The same law which prevailed in Ireland also existed, in some few cases, in England. These were confined to bishop's leases, and to the estates of a few of the oldest Roman Catholic families of this country. This was the state of the case in England. But the Irish leaseholder, who in that country only was considered a freeholder, possessed no landed property whatever. He dragged out a miserable existence by labouring on the soil, and his right to vote was perhaps dependent on some ancient life. He not unfrequently held that right from a sub-lessee; he did not possess 40*s*. a year in actual and solid property; he might stipulate to pay a rent to that amount, and in default of that payment he was liable to be distrained upon, and whatever property he could call his own might be sold; he was obliged to attend at the session to swear that he was actually worth 40*s.* a year: when he had committed that perjury, he was compelled to follow the herd to the hustings, and to vote for that person in whose favour his landlord interested himself, and of whom, perhaps, if he had the ability to judge for himself, and were left to take his own course, he would entirely disapprove. Gentlemen who were acquainted with county elections in England, knew, that no greater accusation could be made against a candidate, than that he had not personally solicited the votes of the freeholders. This was, undoubtedly, at times very inconvenient to the candidate; but, the jealousy with which the freeholder viewed any infraction of the practice, proved that he understood, and rightly appreciated, the value of the great privilege which he enjoyed; and which, therefore, he would not exercise lightly, nor in the support of a man by whom he conceived he had been slighted. But, woe to him who visited and canvassed the electors of Ireland! He was sure to fight a duel, as the reward of his temerity. He understood it was the rule in the courts of law in Ireland—[A member called out "The courts of honour,"]—he understood it was the rule in the courts of honour in Ireland, that whoever ventured to bring over to his interest the voters on the estate of a gentleman who wished to have his opponent returned, must justify his conduct at the pistol's mouth. It was said, that his hon. friend, the member for Galway, who was perfectly conversant in these matters, considered the offence given by such an act to be of so positive a nature, that he could hardly decide, whether the person so conducting himself was not bound to receive his adversary's fire, without returning it [a laugh]. It was stated in evidence, with respect to those electors, that whenever it answered the purpose of the Catholic priest to raise a particular feeling amongst them, he could do so, not only with success, but with impunity; and it was further stated, that whenever the landlord and the priest were brought forward in competition, the latter always drove the former out of the field. He did not wish to read much of the evidence, because he hoped that every gentleman had done himself, and the House, and the Catholic body at large, the justice to read it; and, if any gentleman had not done so, he hoped he should not be deemed presumptuous when he said, that that individual was not qualified to decide on this great question [hear, hear].

He would now, with the permission of the House, read extracts from the evidence. In the first place he would advert to what had been stated by that intelligent Catholic barrister, Mr. Blake. He thus described the Irish 40*s.* freeholder:—"In general, they pay what is originally a rack rent for the land, they then build mud huts upon it, and if they make out of the land a profit of 40*s.* a year, a profit produced by the sweat of their brow, they reconcile to themselves to swear that they have an interest in it to the extent of 40*s.* a year, whereas the gain is produced, not through an interest in the land, but through their labour." Being asked "Do you think, generally speaking, that the 40*s.* freeholders exercise any free choice at elections?" he answered, "My opinion is, that they have none."

He would now call the attention of the House to the opinion of Mr. O'Connell. He stated, that, "in many places, the 40*s.* freeholder was considered as part of the live stock of the estate." And when asked, "Are you of opinion, that there is any great difficulty in making registries of freeholders without the business being very accurately performed according to law?" he answered, "The greatest facility; the clerk of the peace can appoint his deputy, any man can be his deputy for the moment; and it is the easiest thing in the world to register freeholds upon the present system, without either freehold or valid tenure to constitute a freeholder. There must be first tenure; that is to say, a grant for life or lives to constitute a freehold; in order to registry, there must be at the utmost such a rent as would leave the freeholder a profit of 40*s.* a year: now, I have known numerous instances, where, if a peasant was made to swear that he had a freehold of 40*s.* he would have perjured himself in the grossest way; and in those instances a friendly magistrate or two may very easily get into the room; an adjournment of the sessions for the purpose of registry is the easiest thing in the world, because the act of parliament gives validity to the registry, notwithstanding any irregularity in the adjournment of the sessions; therefore, two magistrates can come together very easily, get the deputy of the clerk of the peace to attend, and they can register upon unstamped paper if they please. They can register with the life described in such a way, that that life will be either dead or living, as they please, at the next election; John O'Driscol or Timothy Sullivan, or any thing of that kind. Frauds with respect to the registry of freeholds are very considerable," Mr. Connell added—"but still it is, I take it, a very great advantage to the Irish peasant upon the whole, to have the power of voting given to him by 40*s*. freehold."—Who was there (demanded Mr. Littleton) that professed himself to be a friend to Catholic emancipation, and did not agree in that sentiment? It could not be doubted but that the act of 1793 created a great additional interest in that House in favour of the Roman Catholics, and forwarded the claims of that body. Looking at that fact, he did not disagree with Mr. O'Connell in the conclusion to which he had come;—namely, that, under the existing state of the law, it was advantageous to the Irish peasant to possess this privilege.

He now came to the evidence of Mr. Shiel, who said, when speaking of raising the qualification of freeholders, "I further think, that so far from its being an injury, it would be a benefit to the lower orders, that the qualification should be raised, and that the mass of the peasantry should not be invested, every five or six years, with a mere resemblance of political authority, which does not naturally belong to them, and which is quite unreal." He also said, "The peasantry are driven in droves of freeholders to the hustings: they must obey the command of their landlord; it is only in cases of peculiar emergency, and where their passions are powerfully excited, that a revolt against the power of the landlord can take place." He would next advert to the evidence of Mr. Hugh Wallace on this subject. His examination ran thus:—"Do you think any kindness is induced from the landlord to his tenantry, by the fact of their having those 40*s*. freeholds?—I question very much if there is."—"In some cases, does it not lead to acts of hardship upon the part of the landlord towards his tenants, where the tenants refuse the landlord's solicitation for their votes?—That I have no doubt of."—"Do you know in what manner some of the proprietors in Ireland are in the habit of controlling the votes of their tenants?—I know two modes by which they harass the tenants who do not vote as they wish them to do."—"Will you be good enough to state them?—One is, preventing them from having bog ground (the right of cutting, in the bogs of the landlord, firing for the tenant), which, in general is not granted by the leases, but is an easement that they are permitted to enjoy by the landlords; the other is, the compelling them, upon estates where it has always been allowed, that half a year's rent should be in the tenant's hands, to pay up that to the day it becomes due."—"So that, if the 40*s*. freeholder votes according to his own judgment, he is immediately obliged to pay up what is called the back half-year's rent, and is deprived of firing for the next half year?—Yes."—"The right of fuel is not leased out with the freehold?—It is not."—"Generally speaking, those 40*s*. freeholders exercise no freedom of election whatever?—Generally speaking, I do not conceive they do; I conceive quite the reverse." Thus (observed Mr. Littleton), it appeared, that, in many parts of Ireland, a man was obliged to forego the dictates of his conscience, or be starved for want of fire during the winter.

He would now refer to the invaluable unsophisticated, candid, and practica evidence of the right hon. member for Kilkenny (Mr. Dennis Browne) which was exceedingly important. He was asked, "Did it ever occur to you, that it would be desirable to make the abolition of the 40*s*. freeholders a part of Catholic emancipation?" and he answered thus—"A great part of the interest of my family depends upon 40*s*. freeholds of the Catholic persuasion, so that you could not apply to any person who would be less likely to give you fair information upon that subject;" but the right hon. member's conscience made him speak out, for he added—"but, if you can prevail upon the 40*s*. freeholders in England, and upon the 40*s*. freeholders in the north of Ireland, who are a very sturdy race of men; if you can prevail upon them, you can do it with the Roman Catholics, but most undoubtedly it must be a general measure: if the object is a free and fair election; if the object is, that a man should represent the fair sense of the county, undoubtedly the 40*s*. freehold system is entirely against that." He proceeded to say—"That the present election laws are all for the encouragement of fictitious votes, because they give no power of examining at all; any man that is registered must vote; and as to going to a petition afterwards, that is quite out of the question; we can hardly stand the expense of an election, much less of a petition." Now, the measure which was at present before the House was intended entirely to remove those fictitious votes; and he was really surprised that any gentleman should oppose such a measure. He was asked—"Are not, in point of fact, the small freeholders so much under the influence and in the power of the landlords, that they dare not act against them? I think they are: I think they would be very daring to do so, because they owe us generally double what they have to pay us." It was quite clear continued (Mr. Littleton), that if an individual dared to consult his own opinion in voting, he would be reminded of the half year's rent which was in arrear, and under the influence of fear, he would be obliged to vote contrary to his conscience. The House might here see the demoralizing effects of this system: and he really thought that the right hon. member (Mr. D. Browne) was entitled to the thanks of the House, for the candour which he had manifested in exposing it. If one of these freeholders, at the general election, dared to vote against his landlord, the reward of his temerity would be an ejectment from his residence. What further proof was necessary of the demoralization which must be produced by such a system, than the fact, that landlords did not only pursue this course, but that they pursued it with impunity?

In another part of his examination Mr. Blake was asked—"Do not you think a considerable outcry would be raised in Ireland, if it was proposed to raise the qualification of 40*s*. freeholders?" and his answer was—"If the 40*s*. freeholders were persons of independent property, exercising through their property a free choice, I think it would produce a very serious outcry; but I think the present 40*s*. freeholders are not persons likely to feel it." This was indisputably the fact. The Irish 40*s*. freeholder had nothing to lose. Such a loss as that of voting, would, in fact, be a real gain. He would lose a disgusting qualification, which enabled him to live by perjury; and certainly that would be a benefit. But, if the bill of the hon. baronet passed—and he did not desire that the measure he now proposed should be carried without the other—then would the Irish Catholic enjoy the gratifying feeling, that he was placed on an equality with his Protestant brother. To the nobility and gentry of Ireland the act which he now endeavoured to have carried into effect, would be one of inappreciable value, for it was a measure which would bind them all to abstain from cutting up their estates and incomes by the roots, which they were now continually doing, by raising those immense armies of fictitious freeholders. They would be obliged to depend, as the nobility and gentry of England did, on the force of public opinion. They would have no other influence beyond that which was attached, and would always be attached, to the possession of extensive property.

There was another feature of demoralization arising out of this system, which he could not pass over in silence. It was the growing neglect and indifference of the lower classes of Ireland to the sanctity and solemnity of oaths. This was stated in the evidence to be produced by the multiplication of oaths in that country. They were, in consequence, looked upon without awe, and were frequently violated. Mr. O'Connell, in his evidence, had given a very interesting and, he believed, a very faithful statement on this point. He was asked; "Do you conceive that the multiplication of oaths, with reference to the registration of freeholds, and with reference to the proceedings at elections, as well as other oaths which are administered to the peasantry of Ireland, has had the effect of rendering them in any respect indifferent to the obligation of an oath?" His answer was, "Yes, I am convinced of it: the frequency of oaths has had a most demoralizing effect upon the peasantry of Ireland; my opinion is, that the civil bill jurisdiction of the county courts is most frightful and horrible in its effects upon the morals of the Irish people. The allowing a single individual to decide, who cannot possibly be acquainted with the bearings of character, in the first place, is not bringing justice home to the peasant, it is bringing litigation; then a single individual decides; he has an immense number of causes to decide; he cannot possibly weigh the character, for he cannot be acquainted with its shades; in the next place, it is not pleasant to him to have that task; the jury keep each other in countenance; one man is not reproached with having discredited a witness; there are twelve on the jury, and therefore they protect each other; the assistant barrister is not so, he has not that protection; then, if he decides, and I have seen this to a frightful and horrible extent—if the barrister decides, he will necessarily decide in favour of the flippant and distinct swearer! the swearer who has been trained to swear distinctly up to the fact that shall constitute the law. To have a conscience is an inconvenience; therefore in the civil bill court, if he is a man of character, scrupulous of his oath, he does his friend no good at all, but the ready and distinct swearer is beyond value; and it has had this effect, that in their dealings, the peasantry, in most of them, employ their children, at a very early age, to be their witnesses, and they produce them at an age that is actually frightful to look at them."—Now, he would ask, what hope was there of amelioration in a country, where landlords were constantly encouraging the disregard and neglect of a form, which was of the most sacred character and nature? He had no hesitation in saying, that amongst the evils of the system which he had been describing, this, to which he now referred, was almost the greatest.

Before he entered more particularly into the provisions of this brief bill, he would state, that there was no novelty in its principle. Formerly, in this country, freeholders of every description, without respect to the amount of their income, were allowed to vote; and he believed that, with respect to the election of coroners, that principle still prevailed. But, by the statute of Henry 6th., the right of voting was restricted to those who had 40*s.* a-year, or upwards, of clear, actual property. According to the value of money at present and in the reign of Henry 6th, it might be argued, that the qualification ought to be raised. But, it ought to be observed, that there were very few freeholders in this country who did not possess a more extensive property than that which would barely qualify them to vote; and when he considered their independence, and the intelligence they possessed, they appeared to him to be so admirably qualified for the discharge of their duties, that the propriety of altering the qualification had never entered into his mind. When, in 1793, the elective franchise, under the same qualification, was granted to the Roman Catholics of Ireland, it was foretold by every man of sense in the Irish parliament, that the Catholic clergy and laity would raise the number of votes too high, and that frauds of every description would be resorted to. This was soon verified; and the act of 1795 was passed, which made occupancy the condition of voting. It was by that act provided, that no individual should vote for a knight of the shire in Ireland, unless he was in actual occupation of the ground from which he claimed the right of voting. The evil, however, not only continued, but increased. A law, was in consequence, enacted, which provided, that no 40*s.* freeholder should be allowed to vote, unless his freehold was registered for one clear year prior to the day of election, and it also provided that the registration should be renewed every seven years. Here, then, a clear distinction was made between the 40*s.* freeholder and the 40*l.* or 50*l.* freeholder. But this was not all. By an act of parliament, passed in the month of June last, which was known as Mr. Browne's act, joint-tenants were prevented from voting. The preamble set forth, that certain joint-tenants were in the habit of voting for members of parliament, to the material prejudice of the improvement of the people, the right thus assumed being a colourable one only; and the bill declared, that no joint-tenants, as described in the preamble, should be thereafter allowed to vote. Here, then, was a clear, decided, prospective disfranchisement of a large body of people, and especially of Roman Catholics. That bill was agreed to by a large body of those who considered it as a step towards procuring Catholic emancipation. But now, the same persons who were still anxious for Catholic emancipation objected to the present bill, although it was intended as a powerful instrument for achieving that great measure. He did not know how the parties who were friendly to the bill of last year, could consistently oppose the present. On this point he should be glad to hear their explanation. The whole question, it appeared to him, resolved itself into the amount to which the qualification should extend; for the principle, he had shown, had already been recognized. What the qualification should be, it was in the breast of the House to determine. Three sums had been spoken of—5*l.* a-year, 10*l.* a-year, and 20*l.* a-year. If the qualification were as low as 5*l.* a-year, it would only, as it seemed to him, increase the evil. He was sure there were but few landlords who created freeholders under a rack-rent of 40*s.* a-year, that could not, with equal facility, get his tenant to swear that he had an interest in the land of *5l.* a-year, although he only derived that sum from his labour. If the amount of the qualification should be raised to *20l.*, he should fear that it would have the effect of reducing the electors to too small a number for the fair expression of the public opinion. His own individual wish, therefore, was in favour of the qualification being limited to 10*l.*; and this he believed would be sufficient to guard against perjury, which was so great an evil in the present system, because no person would commit so barefaced a fraud as to swear to that, unless they were really in possession of it.

He would now come to the advantages which this regulation was likely to produce to the country. In the first place, it would operate as a bounty for creating that valuable class of men, a yeomanry; the absence of which, in Ireland, had, it was admitted universally, been the cause of many of the evils under which that country laboured. In the second place, it would tend to strengthen and confirm the Protestant interest, and the Protestant establishment in that country. If it were true, as was generally believed, that the population of Ireland was Catholic, while the possession of property was in the hands of the Protestants, surely any measure which tended to strengthen and to raise the respectability of the latter class was one which must be approved of by persons of every description of political opinion. In support of this view of the subject, he would beg permission to quote the opinions which had been given in evidence before the committee appointed to inquire into the state of Ireland, by the hon. member for Lowth (Mr. L. Foster), and by Mr. Blake. It would be difficult, perhaps impossible, to find any persons better qualified than those gentlemen were, to give opinions on this subject; or opinions which were more satisfactory in themselves. This question was put to the hon. member for Lowth—"What is your opinion of the effect of the operation of the elective franchise, in respect to 40*s.* freeholders, since the act of 1793?" His answer embraced some of the moral and political evils of the system, which he begged leave to read, although it was only the conclusion which went directly to the point. Mr. L. Foster said—"I have no hesitation in saying (and I never met with any gentleman who would differ from me in private, whatever he might say in public), that however beautiful in theory it may be to admit persons possessed of 40*s.* freeholds to a participation in electing their representatives, in practice it tends to any thing but their own freedom, or the assertion of their own privileges; and that it has had the operation of adding very considerably to the number of the existing population in Ireland, and still more to their misery. A more mistaken view of the subject could not be, than to suppose there is any freedom of choice practically existing on the part of those persons; it is a clear addition of weight to the aristocracy, and not to the democracy, in elections. It tends to set aside any real value or importance that the substantial freeholders of *50l.* or *20l.* might otherwise have; it bears them down by a herd of people, each of whose votes is of as much consequence as their own, and who are brought in to vote, without any option on their part. The only doubt that ever arises is, whether they are to give their votes according to the orders of their landlord or of their priest. The only parties that ever come in to contact in deciding which way a Roman Catholic 40*s.* freeholder shall vote, are the landlord and the priest; the tenant in neither case exercises any other choice than to determine which he will encounter—the punishment he may expect from his landlord in time, or that which he is told awaits him in eternity."—"Has not it also contributed greatly to the demoralization of the people, in respect of oaths?—Certainly; there is no end to the perjury in qualifying for the franchise."—He was then asked, "Do you think, from your knowledge of Ireland, the influence of the priest, if generally exerted, would have greater weight than the influence of the landlord?" "I have no doubt," he replied, "that the priests could drive the landlords out of the field. I think they have done it wherever they have tried. The consequences are extremely to be deprecated, in reference to the unfortunate tenantry. Subsequent to the election, the landlord necessarily loses the good feeling, which otherwise he might have had towards the individual who has deserted him; the rent is called for, and it is in vain for the voter to look to his late advisers for any assistance to meet it. There have fallen within my own knowledge, frequent instances of the tenants having been destroyed in consequence of their having voted with their clergy."

The subject was pursued by the hon. member for Louth in his subsequent answers—"Do you not think that a Protestant member of parliament, depending entirely for his election on Roman Catholic constituents, would vote very much as a Roman Catholic member of parliament elected by the same persons?—I think he would, and that he does, though not with the same sincerity."—"Do you think that that portion of the Irish Protestants, whom you have stated to be adverse to the claims of the Roman Catholics, would be more disposed to entertain the consideration of those claims, if they thought any modification of the right of voting might be a part of the arrangement?—I think a great many of them would be very much influenced by that consideration, and decided by it."—"A large proportion?—I cannot speak to the very proportion: but there are many, I have no doubt."—"Does not that apply to the three provinces of Leinster, Munster, and Connaught; how would it affect Ulster?—I conceive that in Ulster, with the exception of the county of Cavan, the Protestant freeholders are so predominant in numbers, that the Roman Catholic freeholders cannot produce the inconveniences contemplated. In Cavan, I think, the parties are more nearly balanced."—"What would be, in your opinion, the inconvenience of depriving the 40*s*. freeholders in those parts of the country of the right of voting?—I think the consequence would be to diminish the influence of the aristocracy in elections, and to give to the substantial yeomanry of the north a new and important influence. I dare say the 40*s*. Protestant freeholders in Ulster might feel a little mortified at the passing of the law; but I beg to say, that even with respect to the Protestant freeholder, I do not think it would be any real loss to him, for I do not consider that even the Protestant freeholders of Ulster exercise their own judgment. They, too, are in the power of their landlords."—"What do you apprehend would be the effect of the alteration of the elective franchise in the other three provinces of Ireland?—I think one immediate effect of it would be to present to many of the members who now sit for the south of Ireland, the option of losing their elections, or of resisting the Roman Catholic claims. I think it would throw them, for their chance of success, on the 50*l*. and 20*l*. freeholders. I think some of the present members for the south of Ireland hold their seats by virtue of the 40*s*. franchise."

And here he felt obliged to stop for a moment, to observe, that if he were not advocating a bill, which was to be contingent upon, and to go along with, the great measure of Catholic emancipation, the policy of quoting the evidence of the hon. member might be questionable; but, as it was the object of that measure to restore the Catholics of Ireland to the possession of their ancient and constitutional rights, and as the bill now before the House would not take effect until the other had passed, there could be no danger of reducing unfairly the number of Roman Catholic members. The hon. member for Louth was asked, "Supposing the Catholics to be emancipated, and the elective franchise to be raised to 20*l*., would there not be fewer persons in parliament for Ireland, depending on Catholic constituents, than there are now?" His answer was, "Probably not half a dozen representatives for Ireland, depending on Roman Catholics: but it may be material to observe, that every thing I have said supposes the legislature shall not create any franchise intermediate between 40*s*. and 20*l*. If the franchise was raised to 5*l*., I am persuaded very many of those unfortunate persons who have sworn to a franchise of 40*s*. would swear to one of 5*l*. I do not think they would outrage appearances so far as to swear to one of 20*l*." Upon this answer, then, he (Mr. Littleton) thought he was fully justified in fixing the qualification at 10*l*. The principle of the alteration was so fully recognized and so ably advocated by the hon. member for Louth, that he thought he had a right to look for his support on the present occasion; and, if he should entertain any different opinion from him with respect to the amount of the qualification, it would be competent for the hon. gentleman to propose in the committee whatever sum he thought fit to be inserted in the clause.

He would now refer to the evidence of Mr. Blake on the same subject, which was as follows:—"Would the raising of the elective qualification materially diminish that influence of the priests over the voters at elections?—I think it would; and I think, in every view of it, it is a measure essential to the peace of Ireland."—"Have the goodness to explain the manner in which that measure would operate?—I think it would operate beneficially in various views of it, as connected with political power, as connected with the subdividing of land, and as connected with the want of a respectable yeomanry in Ireland. It would operate usefully, in point of political power, because it would give extended effect in Ireland to what I conceive to be a vital principle of the British constitution—that property and not numbers should constitute the basis of political ascendancy in the state. It would operate to prevent multiplied subdivisions of land, by taking away from landlords the temptation to such divisions, which the hope of extending political influence creates; it would tend to encourage the growth of a respectable yeomanry in the country, in the same proportion, and upon the same principle; because landlords who wished to have political influence, and who could only have it through a respectable class of freeholders, would be induced to promote the existence of such a class." Upon the good sense of this answer he would be willing to rest; but, he was desirous of reading to the House one other question and answer respecting the Catholic clergy:—"Do you apprehend, that a state provision for the Catholic clergy would be received gratefully by them and by the people? — I think a state provision for the Roman Catholic clergy, if the Roman Catholic body were taken into the bosom of the state, and received as good and faithful subjects, would be considered a great boon, and would give great satisfaction both to the clergy and laity."

After the evidence which he had quoted, as well as from the deep and anxious consideration which he had given to this subject, he could not doubt that the main and immediate tendency of this measure would be, to take from the Catholic population an influence in elections, which was neither useful to their interests nor safely exercised, and to extend that which was more properly vested in the higher orders, strengthening at the same time the Protestant establishment in that country. He had been pressed by more than one hon. member in that House to abandon the measure which was now under discussion, and to content himself rather with the appointment of a committee. He had, however, declined to do this for several reasons. In the first place, he begged to remind the House, that it was upon the evidence contained in the report of parliamentary committees that this measure was founded. Whatever difference of opinion might prevail as to the nature of the remedy to be proposed, there was none as to the existence of the evil, which was admitted in its fullest extent. To attempt to reach this evil through the slow means of another committee was in vain; and, such was the spirit of evasion in Ireland, that he was convinced any measure short of that legislative enactment which he hoped would now be adopted by the House, would only add tenfold to the perjury and to the other evils with which the present system abounded. He was not without hope, that after the statement which he had made, the hon. member for Corfe-castle, would see reason to change and mitigate some of the epithets he had bestowed upon this bill on a former occasion. He hoped, too, that many of those who had for years voted with the hon. member, would be now found to desert his ranks: that the defection would not be confined to the young recruits, who had already set the example, but would spread to those veterans, who, for the last thirteen years, had shared with him the defeat and overthrow which had, during all that period, attended the opposition to the claims of the Catholics [cheers]. There was no man who did not feel that this question had now arrived at a point where it was impossible for it to remain stationary any longer. If the public opinion was really to direct the proceedings of that House, who could deny that it was now loudly expressed in favour of the question? Who could observe the heirs apparent to some of the peerages of the realm differing from their fathers, and renouncing the old prejudices which had hitherto seemed inseparably connected with their family names, and yet doubt that the time had arrived when this question must be carried? The Catholic clergy, and the laity, were now willing to make sacrifices, much greater than they had ever before offered or contemplated. Of this disposition they could give no greater proofs than by their concurrence in the measure now before the House. There was no concession which they would not make, in return for the boon which this bill was to confer on them; and when it should be carried into effect, they were willing to pass an act of oblivion on all that had taken place, and to hold out the hand of reconciliation. He felt that he should be wanting in candour, if he did not state, that amongst his constituents there were many persons for whose opinion on every other matter he had the highest respect, with whom on this it was his fate to differ; but he must state, that, in that part of the country to which he alluded, the question was rather regarded as one of religious antipathy than of political regulation. He was, however, satisfied, that the same causes which had produced so great a change in the opinions of parliament, would have a similar effect out of doors, and he had no doubt that in a very short time all persons would be united in their conviction of the expediency of this measure. For his own part, he should act upon this opinion with unabated zeal: and he would now conclude by saying, he was perfectly convinced that until parliament should consent to do what was just towards the Catholic people of Ireland, they could never hope to establish that peace and union which were necessary to the well-being of the empire [cheers]. The hon. member then moved the second reading of the bill.

Mr. *Leslie Foster* said, that after the appeal which had been made to him by the hon. gentleman who had just sat down, he trusted he should be forgiven for obtruding himself upon the House at that early period of the debate. The evidence to which the hon. member alluded, had been given by him in another place, under the sanction of so solemn an obligation, that it must necessarily express the precise opinions of his mind on the subject to which it related. He had no hesitation in repeating here that of which he was fully convinced; namely, that the existing state of the elective franchise in Ireland was a great evil. But, when he said this, it by no means followed that he was prepared to go the same lengths with the hon. gentleman, or to adopt the measure which he had proposed. The existence of the evil was admitted, but the path which was intended to lead out of it might be so replete with danger as to be worse than the evil itself. If the hon. gentleman was prepared to apply his remedy to every description of fictitious freeholds in Ireland, he was ready to go along with him. But, if the measure which he proposed was calculated, like the present, not to accomplish the end which it had in view, but to place matters upon a footing more objectionable and more unconstitutional than they were now, and to give place to greater immorality than even at present prevailed, then he felt compelled to withhold from it his assent. The rock upon which the hon. gentleman's scheme would be wrecked, seemed to him to be this: the hon. gentleman carefully avoided meddling with the fictitious freeholds when they assumed the garb of fees simple, but he attacked them with a bold hand indeed when they were only terms for lives. This subject had never been alluded to in the evidence taken in another place. No questions relating to it were put to him, and it was not, of course, for him to obtrude his opinions on the committee. Here, however, it became a prominent feature in the question before the House. In the first year of his present majesty, chap. 11, an act was passed for regulating the manner of taking the polls at elections. He believed there was no speech made on that occasion: he had referred to the debates, and could find no mention made of it, nor did he know by whom it was introduced, but he thought it was by the hon. member for Queen's County. There was nothing in the title of this bill which could induce any one to suppose that its operation would be to introduce a whole host of Irish voters into elections. Let the House look at what the law had been previously, and see what was its present operation. Formerly, the freeholder in fee had been required to register his title, and to produce the instrument under which he claimed; swearing at the time he gave his vote, that he was in the personal occupation of the property in respect of which he voted. The present law, however, removed all those wholesome precautions; and if the voter would swear that he was entitled (not that he was in possession), and without any production of title-deeds, he was immediately qualified to vote. There were in Ireland many commons on which some of the lower order of the peasantry had made successful encroachments, and occupied no more land than was covered by the hovels in which they dwelt. The number of those persons who were thus entitled to vote was so great, and for election purposes so important, that in some counties they entirely crushed the 40*s*. freeholders, and put them hors de combat. Nay, he knew more than one county in which this description of persons returned both the members. They seldom took the trouble to register their property; that being done for them by some of the neighbouring gentlemen. They had no landlords, and no body to interfere with, or to control them in the tortious possession they had obtained. He hoped he had said enough upon this subject, to shew the House the necessity of discontinuing such a system; and he called upon his hon. friend, if he wished the House to go all lengths with him in his bill, to insert in it a provision for the destruction of the fictitious freeholds in fee simple, as well as those in estates for lives. He hoped he had convinced the House that he was more careful in his destruction of the fictitious franchise than his hon. friend. He should be satisfied if a clause was inserted in the bill, precluding all alleged freeholders now and hereafter from registering their fees, unless they could show at the same time that they were rated to the county rates for two acres of land. A provision of this kind appeared to him of the most equitable nature, because it would have the effect of excluding none but such as ought to be excluded from voting. No person could be more desirous than he was to apply the principle of the bill, if it were so arrranged as to operate universally upon the elective franchise.

Mr. *Brougham* rose, after having been repeatedly called for. He said, he was unfeignedly sorry that this question had been interposed between the discussion of the other bill. He approached it with all the anxiety which the insufficient information he possessed on the subject must necessarily occasion; but he was induced to do so from a consideration of the awful circumstances — he did not exaggerate when he applied to them that epithet— in which the House was placed. He felt, that as a sincere and fervent friend to Catholic emancipation, he had great reason to complain, that he and those who thought with him on that important subject, should be called, whether they would or no, to the discussion of this collateral question, which—and this was "the head and front" of his complaint—had no necessary or natural connexion with that of Catholic emancipation; but which was brought in as if it were part and parcel of the bill of his hon. friend the member for Westminster, and made to proceed pari passu with it. It had been read the first time immediately after that bill had been read the second time; and it was now to be read a second time, just before that bill was to go into a committee; and it was to come out of that committee just at the time the other would be reported. He understood, too, that it was intended to engraft upon the bill before the House a clause, that it should not take effect, until six months after the other bill should have been passed. He hoped that so remarkable a solecism, so palpable an absurdity, as that of taking security against their own acts, would be avoided by the House. He hoped that so venerable a body as the parliament of England would not set the example (for as yet such a proceeding was without precedent) of saying, we are in such a state of ignorance as to what we are doing, that we can take no step in this matter, without saying this shall go for nothing unless we do a certain other thing. He was a sincere, a warm, and an enthusiastic friend of the Catholic question. From the first moment at which he had come to a solemn conviction on that subject — from the moment at which he could make his vote in that House available in support of his conviction—he had steadily and conscientiously advocated the question. Now that he had entertained sanguine hopes of its success — (and God knew that if ever its success seemed particularly necessary, it was at that moment) — he found himself placed in the cruel situation of being called upon to decide another question, upon minutes of evidence which furnished contradictory information, and which, therefore, left him in total ignorance of its real merits—a question which upon the face of it (whatever appearance it might assume when it should be sifted) sounded disfranchisement. Upon this question he was told he must now decide, or he would be impeding the success of that measure, which he believed was of vital and absolute necessity to the safety of the empire. This was the first ground of his complaint. If he were inclined to be dogmatical, he should say, that he disapproved of the measure. For aught he knew it might be a very sound one; it might deserve all the encomiums passed on it by the hon. member for Stafford; it might deserve the attention of the House; but, it was novel in its nature, prima facie it sounded disfranchisement, and it came upon them with such rapidity and urgency, that the House had no opportunity of inquiring into its real merits. Did not all this prove to the House the necessity of pausing? They were called upon to adopt a measure which the hon. member by whom it was introduced told them was particularly founded upon the evidence of the hon. member for Louth. That hon. member got up in his place and said, "I am wholly against the measure. My evidence means no such thing as you imagine. Either I will agree to no bill at all, or I will have one that shall go much further. I will have not only the tenants of leases for lives disfranchised, but the tenants in fee simple also. The elective franchise is, in Ireland as in England, too large already; we find the numerous voters at elections troublesome." Was this not enough to induce the House to pause? They were told by a class of men who had carried their dogmatical notions almost as far as, and with a similar spirit to the religious persecutions of other times—he meant the political economists, who had held up a valued friend of his, (Mr. Malthus), to public ridicule, only because he differed from Mr. Ricardo in a mere metaphysical, not a practical point—that they ought to pass this measure, for the purpose of checking that redundant population which he was ready to admit was a great evil in Ireland. When, however, he looked into the evidence, he saw nothing to support this dogma of the political economists. It was the same with respect to the subdivision of property, on which great stress was laid by the same sect; and thus the reasoning, however ingenious and satisfactory to the persons who advanced it, was altogether worthless, because it was in no respect borne out by the facts. Another sect said, "the Catholics, greatly to their credit, have agreed, clergy and laity, to give up this question of the elective franchise, and, in return for this valuable concession, they expect at your hands the measure of emancipation, although they will be greatly injured by the sacrifice they have made." Now, he did not understand the "although." This was a point not, perhaps, of much importance, but it was disputed. One man said, the Catholics were injured by this concession, and another, that the Protestants were injured. But now for the main body of the sentence. How did it appear that the Catholics had made any such concession? It was least fit to know in what terms they had made it, in order to ascertain its validity. Where were the "granting words," as the lawyers called them? They would be found in the statement of his hon. and learned friend Mr. O'Connell, their attorney properly authorized. He was asked, "Do you conceive that the system of 40*s.* freeholds, connected as it now is with the law between landlord and tenant, is such as to ensure a fair representation?" And he answered, "It is impossible to say that; it has its advantages and disadvantages; it gives to the owners of great estates great influence: that, I believe, is a good deal in the spirit of the modern practice in parliamentary representation: it opens the door, however, for considerable frauds; and though I am quite convinced of the frauds, I see great difficulties in altering it. I should be glad, though it is a very crude opinion, if the qualification were 5*l.*" But in the next page, he said, "In my humble judgment, it would not be at all right to meddle with the 40*s.* freeholders. I have not expressed any opinion favourable to raising the franchise at all." Was this concession?—was it not the very reverse? He was asked again, whether he thought "that the species of improvement in Ireland, which there is fair reason to believe exists, has a tendency to place the social system in Ireland more upon a footing of similarity to that of England in that respect, and therefore to correct the evil of 40*s.* freeholders?" and his reply was, "I am entirely of that opinion; I think the progressive improvement in Ireland is such as is calculated to do away a great deal of the inconvenience of the present system, and to render it quite unnecessary, if it ever were necessary, to make any alteration certainly unadvisable." It would not become parliament to rush upon the course proposed by the honourable mover; the question should be made the subject of deliberate inquiry.

He had heard a great deal said about the evils of an enslaved peasantry, such as the 40*s.* freeholders on leaseholds for life were said to be; and a picture had been presented to the House, which was certainly calculated to arrest attention. With much diffidence he ventured to suggest, that the real cause of the evil was not to be found in that circumstance. His reason for saying so was this—that having listened with the most anxious, and he hoped he might say accurate, attention to the speech of the hon. mover, he recognized hardly a feature of the picture which he had drawn of the herds or droves of peasantry being brought up under the lash, it might almost be said, of their masters, which did not apply to other places quite as strongly as to Ireland—in a less violent degree, no doubt, because the Irish freeholders were somewhat more numerous, and somewhat more dependent on their landlords, than the same description of persons to whom he alluded elsewhere. What would the hon. member for Staffordshire think of the picture which he (Mr. Brougham) could paint, without borrowing one false tint, or exaggerating a single line, of the conduct of certain great landholders in England? He would suppose that a landlord was desirous of maintaining his interest in a county. He would say to his tenants—he would not make use of the names O'Driscol and O'Shaughnessy, they would only do for Ireland—but the tenants should be called Thompson or Jackson; the landlord then would say to Thompson and Jackson, "You shall have a renewal of the leases of the farms on which your ancestors have lived undisturbed for generations, on one condition; which is, that you shall qualify yourselves to vote for a knight of the shire by getting a 40*s*. freehold." Of course, Thompson and Jackson found it necessary to consent to this arrangement. The freehold was a mere cover, but the tenants kept it for the sake of their farms, just as the Irish freeholder kept his bog. It was the bog which kept the Irish freeholder in order, and made him submissive to his landlord. Without the bog, the Irish 40*s*. freeholder would be no more an evil than the 40*s*. freeholder in England would be, without the farm to which he was annexed. In England, as well as in Ireland, it was the practice for tenants to be brought up in droves, to vote at county elections. The counterparts of the O'Driscols and O'Shaughnessys in England were obliged to do just what their landlords pleased; unless they had the good fortune to have a lease on parchment, unshackled with any condition. The evil lay in the natural influence of property. This influence existed in England as well as in Ireland; and it must exist every where. There was a city in England represented by two of his hon. friends, for which freeholders voted as well as freemen. Certain landlords in the neighbourhood, who had an interest opposed to that of the freemen, granted leaseholds for lives, exactly after the Irish fashion. Let not members, then, run away with the idea, that the evil which was complained of was quite peculiar to Ireland. It existed in principle in this country also; and the cause he believed was deeper than many persons imagined.

Much had been said on the subject of perjury. Men, it was stated, came up in droves to vote, as 40*s*. freeholders, who were only leaseholders for lives. How, it was asked, could those men afford to purchase freeholds? Why, the landlord gave his tenant a freehold, without consideration of course; but then he received 50*s*. rent for the land. Under those circumstances the tenant took upon himself to swear that the freehold was his own. He knew that the same thing was done in England. One other word now with respect to perjury. The commission of perjury was stated to be one of the greatest evils of the present system; and the putting an end to it was one of the greatest advantages held forth as likely to result from the passing of the bill. No man could entertain greater horror of the debasing system of false swearing than he did; but, let it not be supposed that the practice was confined to the Irish peasantry, whom it was proposed to disfranchise in order to prevent it. He would say nothing of the Irish grand juries and their presentments—that was forbidden ground. But, he knew what took place nearer home—not on the part of electors, but of the elected—not in the county of Tipperary, but on the ten or twelve square feet of ground on which he was standing [a laugh]. Did it become those whom he was addressing, to declare that they could not contemplate without abhorrence that a man should swear he possessed certain qualifications, which, in fact, he did not possess—to hold up their hands, and bless God, that in this country people could not be found, as in Ireland, to take the dreadful and sacrilegious oath that they were worth 40*s*. a-year—to rush down with a bill to save the souls of the Irish peasants? Did it become them to do this? He would not stop to inquire whether the Irish would feel obliged for the attention which the House manifested towards the safety of their souls. They must be convinced, that parliament was extremely anxious with respect to their spiritual concerns, however their temporal matters might suffer under its management; but, it might perhaps be suspected, that they would rather desire that parliament should be more careful of their purses, and leave their souls to take care of themselves. But no: the cry was, disfranchise the Irish freeholders, and put a stop to perjury. Let the House take care that they did not disfranchise themselves. He was credibly informed, that certain members of that House—of a former parliament—of course it could not be of the present that he was speaking—did sacrilegiously make oath in the Lord Steward's office on one day, and at the table of the House on another, that they were worth 300*l.* a-year in lands and tenements, when some of them were not worth a shilling, and others had no land at all [a laugh]. Suppose the Irish freeholders should bring such a charge against the House. He should be without an answer to it. He might, it was true, look big, and say, "Do you know what you are doing, in imputing systematic perjury to the members of this House? It is a breach of privilege, and I will send you to Newgate." To Newgate they must go; for he could have no other means of getting rid of the charge [hear, and a laugh]. It could not be denied, that it was the practice of senators to do that, for doing which the Irish freeholders were now to be disfranchised. The fathers of honourable members had done so before them; and they, their worthy sons, swore perhaps more glibly, that they were worth 300*l.* a-year in land: nay, they went further—they did what the Irish freeholders could not do, because he apprehended they did not know how to write—they gave in a schedule, specifying very minutely the particular county and parish, and hundred, in which their lands and tenements were to be found [a laugh]. It did not, then, become the House to be particularly nice on the subject of perjury. It was all very well and proper to express a becoming horror of the crime; but when they came to disfranchise people on account of it, they should beware lest they disfranchised themselves [hear, hear]. But, the practice in question was not confined to members of that House. He would allude to a profession, than which none was more honourable—he meant that of arms. He had no doubt that the first gallant officer who might speak on the question, would express his contempt of the Irish freeholders for their false swearing. The members of the House, who were not connected with the army, entertained a more religious feeling on the subject, and talked of the sacrilegious nature of perjury; but officers of the army, being men of honour, would in all probability express their surprise and indignation, that any being could be found so degraded, as to swear that he was worth 40*s.* in land, when in fact he was not. These very officers, however, when the question was about the buying of a commission—did not swear to be sure—that was out of their line; but—always declared upon their honour, that they had given no more than the regulation price, though they knew all the time that they had given double [hear]. An hon. friend near him informed him, that this practice was now discontinued; which he was glad to hear.—Hitherto he had only spoken of laymen; but it grieved him inexpressibly to be compelled to state, that the Church itself was not without a stain. It grieved him much to say this, and particularly because it would be the means of taking much preaching out of the mouths of those persons whom his hon. friend, the member for Knaresborough, once described as people clothed in an odd dress in another House [a laugh]. Those reverend persons were in the habit of talking of perjury as a crime not to be heard of without abomination: they declared that truth, sincerity, and frankness were the essence of religion. If, then, perjury was criminal when committed by laymen, it must be ten times more odious when practised by churchmen. And yet, what did these reverend persons do? He would suppose that a reverend gentleman was to be inducted into a bishopric of about 4,000*l.* a-year. He declared in the name of God, that he felt inwardly moved—[a laugh]—yes, that he felt inwardly moved at that moment by the Holy Ghost, to take upon himself the office of bishop and the administration thereof, and for no other reason. Now, here was this reverend person solemnly declaring, that he took upon himself to discharge the duties of bishop, in consequence of a call from the Holy Ghost, and for no other reason; although he knew at the same time, that he had opposed the Catholic question and the claims of the dissenters on a thousand occasions. How all this could go forward was a mystery which he professed himself unable to understand; but, he supposed it was calculated for the end which the parties had in view. He could not, however, help thinking, that the members of that House who took one oath, and the bishops and clergy out of doors who took another, were the last persons in the world who should be so exquisitely squeamish with regard to the conduct of the Irish Catholic freeholders, whom they had all along treated, and still wished to treat, as if they were the only mortals under heaven who had ever been guilty of perjury [hear]. He would say nothing with regard to Custom-house oaths, because they went to the swelling of the revenue [a laugh]. A great and flourishing revenue was doubtless a great blessing, and God forbid that he should do any thing to injure it!

These were the grounds of some of the doubts which he entertained with respect to the measure before the House, in a moral and religious point of view. He would now revert to his grand objection to the bill as a political measure. It was said, that the bill was to smooth the way for Catholic emancipation. If any thing could induce him—he could not say to overcome his objections to the bill, for he was in a state of ignorance respecting it—but, if any thing could induce him to vote for the measure in the dark, the great boon which was held out would be the most powerful bribe that could be offered him; if any bribe could induce him to desert what he believed to be his public duty. He would willingly bow to what all men both in and out of that House regarded, the high authority by which the measure was recommended. It was supported by the Attorney-general for Ireland, who had, who could have, no other object in view than the benefit of Ireland. Hardly inferior to him in authority, was his hon. friend, the member for Westminster, who, though he possessed no more information on the subject than the rest of the House, was inclined to support the bill, because he was led to believe that it would tend towards the attainment of the object which, to his immortal honour, he had so ably and so earnestly struggled for — the happiness of Ireland [hear, hear]. But, there was another authority to whom—he stated it with all possible respect for the two gentlemen whom he had before alluded to—he bowed with still greater submission. He stated this in the presence of the two honourable members, because he knew that they would be the very first to render that respect which was due to such revered authority—he meant the right hon. baronet who sat near him (sir J. Newport). That right hon. baronet was one of the truest patriots, one of the most disinterested statesmen, whether in the House or out of the House, whether in regard to the interests of the empire generally, or of those of his own, to him dear and beloved, country—and he trusted that that country would prove grateful for his exertions, not only now, but when he should be taken from them, to have his name enrolled with that of Grattan, in the eternal remembrance of his countrymen. When he found the authority of this distinguished individual given unflinchingly and unqualifiedly in favour of the bill before the House, he felt staggered, and almost inclined to say that he would follow his opinion blindfold; for, if there was any man whose opinion upon a great, difficult, and constitutional question, he would be disposed to follow, or to advise others to follow, blindfold, it was the right hon. baronet. He was called upon to take a great step in the dark; but, had no evidence to show that the measure would be effectual for the object which it was professed to have in view. He had no evidence to prove, that that object was a legitimate one; and he had any thing rather than evidence, that it would conciliate the people of Ireland. He had, on the contrary, strong reason to believe, that it would split them into schisms, if not alienate them from the great question of emancipation [hear].

But, this was not all. Under the present system, the Irish peasants were well treated by their landlords; and they were secure of their tenure on the land. Mr. Shiel, in his evidence before the committee, expressed his opinion, that the proposed disfranchisement of the freeholders would be submitted to, if Mr. O'Connell were to use his influence to that end. But, was that a ground for parliament to legislate upon? He thought highly of Mr. O'Connell, and believed that his influence in Ireland was the best pledge of conciliation; but he was of opinion, that Mr. O'Connell was the last who would wish for the passing of the bill, and afterwards to proceed amongst his countrymen to make it popular. Mr. Shiel expected that Mr. O'Connell would go amongst the Irish peasantry and say, "We have got the Catholic question carried on account of this measure." How would that sound in their ears? There was no doubt that Catholic emancipation would be productive of incalculable benefits to Ireland; but its good effects would not be immediately felt by the peasantry. Mr. O'Connell, however, would have to go to his countrymen and say, "We have carried a measure which opens to us the Bench, the House of Commons, and the House of Lords, and all the price which we have paid for these concessions is the abandonment of your elective rights" [hear, hear].

This was the sort of argument which Mr. Shiel expected Mr. O'Connell to use to his countrymen; and, what was still more extraordinary, he expected him to use it with success. Mr. O'Connell, however, would use no such argument. He had his evidence against the measure. Mr. O'Connell's opinion might be right or wrong, but it was against the measure.

He would venture to lay down, as a general proposition, that there was not a more wholesome and safe principle of legislation, than that every great measure of public policy should be considered, and adopted or rejected, on its own merits, and not in connexion with another measure of not much greater importance than itself. What was the consequence of the left-handed, complicated, confused mode of legislation, which it was proposed to pursue on the present occasion? He might call it the cabinet mode of legislation by compromise, but he wished to avoid giving offence. The House might decide upon a whole set of measures, and not adopt the right one after all. The bill was held forth as a bribe, to induce those who were opposed to the Catholic question to vote for it. In this way it was impossible that the bill could be decided on its own merits, any more than the Catholic question. If the bill should, on consideration, be found to be improper, let it be rejected; even though by that circumstance the Catholic question should lose the support of the three votes which had been promised in consideration of the passing of the bill [hear]. If the proposers of any measure were to offer to one member the command of a ship, and to another that of a regiment, to induce them to support it, he should certainly consider it a bad mode of legislation; but not so objectionable as that of bribing members to support one measure by passing another. Our ancestors, it should be remembered, had always been most cautious in meddling with the elective franchise. They had been cautious, when it was proposed to extend that privilege; as he had no doubt their descendants would be, if such a proposition were now made. If, for instance, he were to propose that copyholders should be allowed to vote, he was quite sure he should not be able to get many members to give half a vote for his proposition, who were nevertheless disposed to run helter-skelter to vote for the bill before the House, as if it was one of the most plain and reasonable measures imaginable. Still more cautious, however, had the House always been in adopting any measure, the object of which was, to narrow the elective franchise. He would remind the House of the conduct pursued with respect to Grampound, a little borough having not more than about thirty voters. Corruption on the part of the electors had been clearly proved in that case; yet, committees were appointed and evidence heard; and the bill for disfranchising the borough did not pass through the House, in less than two sessions. The bill for disfranchising Helston was before the House for three sessions, and was finally rejected. Yet, the House was now called upon, without any inquiry whatever, to disfranchise a whole class of voters. What had our ancestors done still further back, and in a time of greater authority in constitutional matters? The measure approximating nearest to the one before the House was the Splitting act, of which lord Somers was the author. In the first volume of his Tracts lord Somers, had left a note containing his opinion with regard to the Splitting act, and that opinion certainly was favourable to such a measure as the one before the House. But, was that act brought in tacked to another question, as a sort of make-weight? No; it was introduced as a part of the legislation of a whole session on the same subject. Look at the session of the 7th and 8th of king William, and it would be seen, that the attention of parliament was directed throughout that session to the question of parliamentary reform. It was the standing topic of the period. The Treating act was passed in a few weeks after the Splitting act. Another bill for regulating elections was passed, stage by stage with the Splitting act; that bill, however, was not passed into an act, because the king refused to sanction it. That bill contained a clause, which proposed, that the practice of voting by ballot should be universally adopted in England. He mentioned all these circumstances to show that the Splitting act was not brought forward as a make-weight for another question, but was one of a series directed to one common object, which almost exclusively occupied the attention of parliament during a whole session. If any one would take the trouble to look at the divisions on the measures to which he had alluded, it would be found, that they were never carried in houses of less than from three to four hundred members. This was the sort of legislation which it became the House to follow. Any measure which tended to restrain the elective franchise of the people ought to be subjected to the most careful scrutiny. He trusted that the House would not rest satisfied with being told, that the bill had been considered in a committee. That would be any thing but an answer to his call for investigation. That committee was appointed to investigate every subject connected with Ireland. He wanted the bill to be made the subject of a special investigation. He would defy any member to prove that any question had been proposed in the committee, except in one direction, as to the merits of the bill. The very first witness, on whose evidence the bill was said to be founded, stated that another and a better remedy might be found. Under these circumstances, was he asking for too much when he demanded inquiry? No two witnesses had agreed on the subject in the committee; and he would venture to say, that no two gentlemen from Ireland in that House would be found to give the same description of the fact, or the same opinion as to the remedy. The subject required discussion. Of facts regarding it, the House was in possession of few; of consistent statement, none. It would, in his opinion, be unsafe and unconstitutional to pass the bill without inquiry. The conciliation of Ireland was the grand object. Who in that House would be bold enough to say, that if the present bill and the Catholic question should be carried, the one measure would recommend the other—the one giving an immediate benefit to a certain class of Catholics, and the other taking away a privilege from another class not immediately benefitted by the former measure. If any man would say that, he might admire his boldness as a prophet, but he would not feel disposed to take him for his guide. If the Catholic question was carried by itself, it would be received by the people of Ireland as a pledge of conciliation: but, if it was coupled with the bill before the House, it would be liable to misconstruction. These were the doubts and forebodings which he could not help feeling on the subject. It was said that, by agreeing to the present bill in the dark, the Catholic question would be carried. He did not believe it. He thought that those persons who said so were reckoning without their hosts; at all events, he was afraid they were reckoning without their lords [a laugh]. It was not for him to allude to what passed in another House of parliament, except as matter of history; but, he would say, that he had heard of passages delivered in another place which gave him an alarm, not only for good government, but the safety of the constitution of this country, and for the stability of the monarchy as by law established, and at the Revolution of 1688 settled. The passages to which he alluded had given him so deep and serious alarm, that he protested before God he could not believe his ears when the news was brought to him that morning. It was impossible for him even now to believe what was stated. The papers must be filled with libels that must be false. For no man living could believe that a prince of that House, which sat on the throne by virtue of the Revolution of 1688, should promulge to the world, that, happen what would, when he came to fill another situation, if all——

Mr. *Plunkett* rose, admidst tremendous cheering from some parts of the House, and cries of order from other parts. As soon as silence was restored, the right hon. and learned member said he rose to order. The reason he had not taken an earlier opportunity of calling his hon. and learned friend to order, and putting a stop to such a discussion was, that his hon. and learned friend, in alluding to what had passed on former occasions, in the early part of his speech, had declared, that he would only allude to such passages historically. When he found, however, that his hon. and learned friend was proceeding to allude to what had recently passed in the other House of parliament, and to designate the person to whom his observations applied, in terms which could not be misunderstood, he felt it to be a duty which he owed to that House, to the illustrious personage alluded to, and to that great cause in which even now he did not cease to think his hon. and learned friend sincerely interested, to prevent him from continuing a course of observations in his present heat of temper, which, he was satisfied, he would in his calmer moments regret.

The *Speaker* said, he was certain that the House would pardon him for addressing a few words to them at that moment. If the inference drawn by the right hon. gentleman who had last addressed them was correct—if his anticipation of what was coming from the hon. and learned member was right—there could be no question that the hon. and learned member would be out of order. It was impossible for him to define what was the order of the House more strictly than the hon. and learned member had done, on taking up the subject which had occasioned the present interruption. It was his business to expect, after the hon. and learned member had so strictly defined the order of the House, that he would not depart from what he had laid down. On the whole, he must repeat, that if the anticipation of the right hon. gentleman was correct, unquestionably the further proceeding in the course which he had commenced would be most disorderly.

Mr. *Brougham* said, he doubted not that the right hon. and learned gentleman meant nothing but kindness to him, and also to the Catholic question. At the same time, it seemed to him, that after what had fallen from the Chair, he was entitled to say that the right hon. and learned gentleman had proceeded somewhat prematurely. He had interrupted him before the proper period had arrived. No member had a right to interrupt another because he himself expected that that other member was going to be disorderly. Good God! was ever such a thing heard of? In the parliament to which the right hon. and learned gentleman formerly belonged, such a course might have been pursued; but it was the privilege of a member of an English parliament to go on free from all interruption, until he said something disorderly. If he did any thing disorderly, he did it at his peril. His words might be taken down; and he would never utter in that House, or in any other place, any thing which he would have the least objection to be taken down. He spoke for the privileges of the House; but he also spoke for the consistency, credit, and character of the House. Why, this was like the perjury question, of which they had heard that night. Had no man ever before heard of an allusion to another place? Scarcely a debate took place in which some allusion was not made to it; sometimes under the flimsy shelter of the phrase, "another place which it is not allowed me to name." His right hon. friend the member for Knaresborough, not long ago alluded to the bishops directly. Why, it was only that very evening, that another hon. member had made an allusion to the same incident. But, was not this base spirited on the part of the House? If the members of that House habitually adverted to proceedings in the House of Peers—if he himself had heard the words of the lord Chancellor canvassed in it not twenty-four hours after the noble lord had uttered them—if the lord Chancellor himself had afterwards, in the House of Lords, repeated the same words and coupled that repetition with a reply to the observations which they had called up—if all this had been done, was it not an unworthy course, which was now attempted to be taken against him? Was it not base for the House of Commons to say, "You may attack the bishops—the Woolsack—the lords, collectively or individually, if you will; but, if you only glance at the heir presumptive of the Crown, privilege shall rise up against you, even before the words which are to constitute the offence can be uttered"—an hon. and learned member (himself the most disorderly in all the world) shall get up and complain that you are out of order, not because any thing irregular has been said, but—*quia timet*—merely because he apprehends that something possibly may be.

Mr. *Wodehouse* rose to order. He said that the hon. and learned gentleman was out of order still. If he was not, let him explain what those two words, *quia timet*, meant [excessive laughter and cheering].

Mr. Secretary *Peel* said, he would put it to the hon. and learned gentleman himself, whether, engaged, as the House was, in the discussion of a measure of great importance, he would introduce a topic likely to unfit the House for the immediate business before it? Would not the hon. and learned gentleman, upon cool reflection, feel that it would be better, at all events, to abstain from any such allusions?

Mr. *Brougham* said, that any recommendation coming from the right hon. gentleman was entitled to his best attention; but he could not disguise from himself, that the fact to which he had alluded formed a most important feature in the question before the House. The cry of the advocates of the present measure had been, "Carry this bill—carry the disfranchisement of the 40*s*. freeholders—not upon its own merits, but because it will carry with it the question of Catholic emancipation." Why, this might have done well twenty-four hours ago—twenty-four hours back, gentlemen might have expected to carry Catholic emancipation with the help of the bill now under discussion; but, what gentleman at the present moment would say, that he had any hope left of so carrying it? The very last plea in favour of the bill before the House—the only plea that ever could have been urged for it—was departed. What pledge had he now, that even if he abandoned his duty as a senator, if he consented to legislate without investigation, to vote in the dark, where the rights and interests of thousands were concerned—what pledge had he, that he should ever receive any consideration at all, for thus voting in the teeth of his own perceptions, and betraying the important trust reposed in him? There had been some show of temptation, while it could fairly be said, "Give up the rights of these freeholders, and the Catholic bill will pass; but, did any man believe now, that with the present, or any other measure, the Catholic bill would pass? Would not the ominous news of the day in which he was speaking, go forth through all England, and all Ireland, as the knell of despair, rung over the Catholic question, and those interested in it for ever? Ought not the knowledge of that news to operate upon the House? He said, that it ought; and the conclusion which he drew from it was this—fair, honest warning was given to the Catholics and to the country—they had reasonable and candid notice: want of conscientiousness and plain frankness in the avowal of an intention was the last charge that he meant to bring against any man [hear, hear]. He would not go nearer to the question than that. But though this frankness was honest and conscientious, still the Catholics had not less a very honest and conscientious avowed obstinacy to deal with: for no monarch who ever sat upon the English throne had ever been prepared for such resistance to his people on behalf of the Catholics as was now not only meditated, but openly avowed against them. Then he (Mr. Brougham) held up this warning, and repeated it, for the benefit of Ireland and of the Irish members; and what he said to them was, "Do not believe that any thing will ever carry the Catholic question but a powerful majority in the House of Commons." But if, instead of such majorities as 17 and 27, to save the whole empire from a convulsion, which the events of the last twenty-four hours led men still more anxiously to think of—if, to save at once England and Ireland, a large increase in the majority on the Catholic question might be hoped for, the present moment—the present reign was the time for its appearance [hear]. A little while, and it would be too late. A brief time, and the opportunity would be gone for ever. A little rest—a little slumbering—a little folding of the hands to sleep—a little more pausing in apathy, as we had gone on to do session after session, parliament after parliament, for twenty years—a little more of this, and we should find despotism and intolerance coming upon us like an armed man; and the power of pacifying Ireland, and of saving England, would be gone for ever" [loud cheers]. He was no lover of discord [a laugh from the ministerial benches]. He repeated it—he was no lover of discord; and those who would deem him such were themselves only not lovers of discord, because they preferred to what they called discord and commotion, the solitude and silence of passive obedience, and the bending before absolute and uncontrolled despotism. He respected the conscientious feeling of every man. Heaven forbid that he should not give to the honest differences of opinion in other men the same degree of tolerance which he claimed for his own. He said —he had said it out of doors, and he repeated it now in the House—that a want of conscientious frankness, was the last charge that he would bring against any man. But it did happen, that the men sometimes who had most of that frankness, unless at the same time they were men of enlightened understanding, were, of all others, the most irreclaimable; and that, in fact, all hope of recalling them from their errors—so help them God [cheering and laughter!] was but visionary. Under these circumstances, then, it became the House to set itself in order, and to embrace the very earliest opportunity—for to lose one might be fatal—of going up to the other branch of the legislature with an overpowering majority upon the Catholic question. He repeated, that nothing short of an immense majority—little short of unanimity—could be successful. He repeated, that there was not an hour to be lost; for the time might come when even such a majority would be ineffectual. There might come a time, and honourable gentlemen would do well to recollect it, when the unanimous vote of both Houses of parliament, joined to the expression of opinion from the whole country, would have no other consequence than to lead to an irreparable breach with the Crown. He recommended the House, therefore, and he did it sincerely, to reject the adjunct and to pass the great measure at once. He said, "Do that act while you still have power to do it: that power may not remain for ever." The hon. and learned gentleman sat down, amid loud and continued cheering, by again reminding the House, that they had timely notice—warning to be acted upon before the last opportunity passed away—that they could not fail in carrying the question of Catholic claims, without involving England in the deepest peril and confusion.

Sir *J. Newport* warmly supported the present bill, which he deemed to be one of vast importance, independently of its connection with the great question of Catholic emancipation, and one which was calculated to contribute to the safety and happiness of Ireland. He certainly felt some surprise, after the declaration of his hon. and learned friend who spoke last, that he was entirely without information on this subject, at the decided manner in which he had expressed his opposition to the bill. The policy of the measure had been fully investigated before the committee; where every opportunity had been given to gentlemen of the most opposite political opinions, to give information on this subject. The ruinous effects of the existing system upon the morals and happiness of the country had been fully established before that committee. His hon. and learned friend had characterised the measure, as one of disfranchisement; but it was no such thing. It did not disfranchise one single individual; it preserved their existing rights to all. It merely said, that no such enrolment of freeholders should take place hereafter. He had often stated his conviction of the necessity of the measure. He had now but to repeat that opinion. His hon. and learned friend would injure the great question by separating the present measure from it. He wondered how any friend to the cause of emancipation could act as his hon. and learned friend had acted. He would carry the all-important measure on its own single merits if he could; but, if he could not carry it alone, he would try to carry it accompanied by another measure. He earnestly entreated every man who wished well to the peace of the country, to support the measure before the House as an auxiliary to the main measure of conciliation, Catholic emancipation. After a few further observations, which were inaudible, the right hon. member concluded, and left the House through illness.

Mr. *Plunkett* rose and said:—I shall not detain the House long; and I confess, Sir, that I never rose to address the House with more painful feelings than at the present moment. I am particularly glad that my right hon. friend, whom indisposition has just compelled to leave the House, has preceded me on the present occasion; because I feel greatly cheered by the reflection, that the sentiments of one of the best and most tried friends of his country differ, in almost every particular, from those of my hon. and learned friend. I am desirous of explaining to the House the ground on which I took the liberty of calling my hon. and learned friend to order. I do not regret the course that I took; on the contrary, I feel its propriety still more strongly, after what has fallen from the hon. and learned member since I adopted it. I do not either from my habits in the Irish parliament, to which my hon. and learned friend thought proper to allude, or from the little experience I have acquired in this House, think he was entitled to say that I called him to order before he had really committed a breach of it. He seems to have interpreted rather too largely the declaration from the Chair, because Sir, you delicately avoided telling him in direct terms, that he was grossly out of order. I am fully aware that though it is not strictly regular to allude to what passes in the other House of parliament, it would be absurd to watch over-anxiously particular instances of deviations from strict regularity, provided they remain within reasonable and proper limits. But, I will call to the recollection of any body who heard my hon. and learned friend, whether this was not an occasion on which mischief was about to be done, and on which I was warranted on an interference, which, on another occasion, might have appeared punctilious and pedantic. In one sentiment which fell from my hon. and learned friend I agree entirely. I agree in the necessity of passing this measure; and of passing it without the delay of an hour. I must take the liberty, however, of saying, that many of the sentiments which fell from my hon. and learned friend were, in my judgment, eminently calculated to defeat this measure of emancipation. I agree with my hon. and learned friend, that it is most essential to the success of the Catholic cause, that the question of emancipation should be carried by a large and overwhelming majority. But, I confidently appeal to every member of this House, whether the speech of my hon. and learned friend was not calculated to defeat that object, and to interfere with the success of the cause.—I was somewhat surprised, Sir, when my hon. friend, the member for Louth, came forward with arguments, which he thought proper to urge in direct contradiction to his own evidence, under the solemn obligation of an oath. I would not, of course, be supposed to throw the slightest imputation on the hon. member, nor even to insinuate that that additional sanction would be more binding on him than his own sense of honour; but, it certainly did sound strange in my ears, to hear my hon. friend put forward arguments, completely in the teeth of every thing he had recommended to the committee of the House of Commons. I shall not enter into the evidence from which such copious extracts have been read by my hon. friend, who brought forward this subject with so much ability; but, I wish to place before the House the argument of the hon. member for Louth, and the conclusions he has drawn, so much at variance with his own evidence. His complaint against the measure is, that it does not go far enough, but that it should be extended to the disqualification of all holders in fee; but, does my hon. friend mean, that we should carry our principle to the length of disfranchising a body of men like the yeomanry of England? Now, what is the ground upon which the hon. member supports his opinion? Why, forsooth, because certain vagrants have settled in certain commons in Ireland; who by acts of rapine and disseisin, have obtained a title to certain lands. Why, then, if this be so distressing an event to the hon. member let him bring in a bill to disfranchise them. He admits there is a great existing evil, which this measure, as far as it goes, is well adapted to remedy; but, because a parcel of travelling tinkers have migrated to the bogs of Drumskele, in the county of Louth, he turns round upon us and says, that, unless we so change our measure, as to render it impossible for any rational man to adopt it, he will resist it with all his might [hear, hear!] Now, if the speech of the hon. member surprised me, the House may judge of my consternation, when I heard my hon. and learned friend, the member for Winchelsea, adopt his argument; nay, more, misrepresent it, and carry it to a length which the hon. author himself never contemplated. Of course I do not mean for one moment to assert, that my hon. and learned friend would be capable of wilfully misrepresenting any thing, either here or elsewhere; but, so it is. Such is the wonderful power of his talent and eloquence, that, whatever argument is favoured with his adoption, receives a force and extent of which its originator was wholly unconscious; and when my hon. and learned friend felt himself in that cruel and grievous situation which he has so feelingly depicted—impelled by a sense of duty to do that which might be detrimental to a measure to which I know he is attached; I really do lament most heartily, that, instead of applying all those powers of ridicule in which he is unrivalled, and that faculty of exposure which belongs to him, in a degree that I never witnessed in any other man in any house, to demolish the argument of the hon. member for Louth, he should have exercised his transcendant abilities to embellish and support it. But to come to the argument—I think I have some ground to complain of my hon. and learned friend. That he is an ardent friend to Catholic concession, does not rest upon his assertion or on mine: he has given proofs of it too strong for any man to doubt his sincerity. The extent of his services cannot be over-rated; but, I have perceived on this occasion, and with great regret, what he has never shown on any other: his extreme rapidity of conception and wonderful facility of utterance, has, by unremitting exercise, become a weakness, which has led him into statements, which, in the sober reflection of his cooler moments, his own excellent judgment would disavow. I appeal to the recollection of this House, whether my hon. and learned friend has not pressed into his service, in opposition to this measure, which, for aught he knows (as he himself declares), may be sound and salutary; for my hon. and learned friend set out by stating his entire ignorance of the merits of the measure, of which, I must do him the justice to say, he gave the most convincing demonstration as he went along. I would appeal, I say, to all who hear me, whether the effect at least of his address was not to awaken prejudices which might defeat the measure, the success of which we all have at heart? My hon. and learned friend says, that the object of the measure is to put down perjury, and he asks, what right we have to interfere in such a question, when every man in the House perjures himself? And then, in one of his flights, he takes a range amongst the army and clergy: but, what has all this to do with the question? And, to come to the real argument, even admitting that the qualification for sitting in this House does lead to perjury, and supposing the army and church not exempt from the stain, are we in no instance to cure the evil when we have it in our power? If any other member had pursued such a line of conduct, would not my hon. and learned friend have called it a jump? Why should he resort to such a line of argument? I cannot suppose he could have been desirous to press into his service popular topics for the purpose of exciting prejudice. Have I not a right to complain that my hon. and learned friend has all through his speech assumed as facts what he was bound to prove were facts? He has condescended to nickname this measure, and then calls upon you to reject it. But, what right has he to call this a measure of disfranchisement? Catholic emancipation, he says, would be a great good, and although not immediately felt, would be materially beneficial, and would conciliate Ireland; whereas, this measure would be immediately felt by the people, and felt as an injury. The whole scope of his argument is, that instead of producing content in Ireland, this measure will excite a ferment amongst the Catholics themselves; but, Sir, let me inform my hon. and learned friend that this measure does not go to disfranchise a single human being now alive. If this be so, I would ask, what is there in the bill to justify the ferment which my hon. and learned friend anticipates amongst the Catholics; or how can he reconcile his desire for conciliation with this glowing appeal to their prejudices? He seems to apprehend, that the Catholics of Ireland will be more alive to constitutional jealousies than to their own interests; in the heat of argument he was prevailed upon himself to believe that their constitutional feelings will be aroused by abstract considerations. In his estimation, they must be most powerful and acute reasoners, for they will overlook the general benefit to be conferred, whilst their feelings will be directed to the immediate operation of a measure which can affect no man living. My hon. and learned friend seems to suppose, that the Irish parliament differed from all others on points of order; and I should infer that he thinks the Irish people differed from the inhabitants of all other countries, and entertained opinions repugnant to all the principles which regulate human actions. But, says my hon. and learned friend, "I do not know whether this bill is good or bad—I have kindly feelings towards it—I am not opposed to it."—But, to my mind, he presented as ugly an appearance as I ever witnessed: he exhibited very little of that affection and endearment which distinguish a zealous friend from an adversary. One thing he could not at all endure: he could not bear the idea of joining this measure with any other; he was opposed to it, because it had the appearance of a bribe. But, the time presses—a large majority even will not carry the measure—nothing short of unanimity will accomplish the object—still he could not consent, such was his sense of duty, to the proposed measure. This really appears to me standing a little too much on the knight-errantry of logic. He will not consent to unite a measure which may be good, for aught he knows, to another measure, which, he contends, if accomplished, must be beneficial to the empire. This appears to me the very romance of delicacy, and if my hon. and learned friend, in addition to his other numerous avocations, should devote his talents to the writing a novel, he might, no doubt, find a very interesting tale on his delicate embarrassment, and introduce some sentiments, which, although extremely suitable there, were ill adapted to the sober discussions of an assembly like the House of Commons.—Now, I will frankly state to the House my opinion of this measure; and, in doing so, I am not afraid of leaving my character for frankness in the hands of the House. My decided opinion is, that this measure is in the abstract good; but even if I thought it, to a certain extent injurious, not unjust, but faulty in some respects; or if I thought it calculated to accomplish a greater good, I would adopt and support it, for the purpose of obtaining the higher benefit. That is my creed:—I openly avow it; and there is not an honest man in the House who will condemn it. My hon. and learned friend complains, that we have joined this measure to the emancipation of the Catholics, which has no natural connexion with it; and he states it as a grievance, that it should be placed close by the side of the larger measure, and that the motions of the one must wait upon the progress of the other. But, have they, in fact, no connexion? Now, we propose to admit the Catholics to the participation of the constitution; and, how are we met? "What, (say our opponents) will you emancipate this immense Catholic population, and allow the mob to rush in and take possession of those seats?" And, am I to be told that a measure which takes away this power from the hands of the mob has no natural connexion with the great question of Catholic emancipation? But, take the other view of the question. Suppose the question should not be carried, I know of no other way in which the Catholics can advance their cause, than through the agency of the 40*s.* freeholders; so that, in fact, in every way in which the measure can be contemplated, it is strictly and inseparably connected with the question for removing the Catholic disabilities. My hon. and learned friend complained bitterly of the cruel situation in which he was placed; but I never saw a man in such circumstances who appeared more happy; or who drew upon his own rich resources in higher perfection. I never knew him disdain more completely the consideration before him, and throw himself upon the energies of his own mind, and the extraordinary powers of his fancy and eloquence, than upon this rack of torture, on which he placed himself, complaining of us for having taken him by surprise, by the unexpected introduction of a measure, which, for the last three months, every body well knew was intended to be submitted to the House.—But now, let us come to the measure itself; and I would beg of gentlemen, whatever their opinions may be, to examine it in its own abstract shape. But, before I enter upon this part of the subject, I wish to make one observation. Should my right hon. friend near me (Mr. Peel) think this measure not bad in itself, but likely to produce good, yet holding his particular opinions on Catholic emancipation, I should not blame him, if he resisted this measure, on the ground that his opposition would defeat the more extensive question, which to his mind appears fraught with evil: at the same time, I must say, and I speak it not in the niggardly spirit which is sometimes displayed of admitting sincerity on the ground of courtesy; I shall not use that uncourteous courtesy towards my right hon. friend; but in the honest sincerity of my heart I say, that no man would be less disposed than my right hon. friend to defeat a measure which is good in itself, on account of its connexion with any other measure to which he might be opposed. We complain of the act of 1793, which has been so truly described by the hon. member for Louth, as having begun at the wrong end, by letting in the rabble and shutting out the higher classes; the consequence of which has been, that the country gentlemen of Ireland let out their land, and subdivided it into small freeholds. This was the system which led to all the unfortunate consequences. If one of those poor wretches was prosecuted for perjury, his landlord went bail for him, and he was never heard of afterwards. Was not this in itself an evil of a serious nature? The next proceeding is this; and let the House observe, all these facts are emphatically detailed in evidence, although my hon. and learned friend complains of want of information. The landlord gives this wretched being a freehold, which may not be worth forty pence, comprising, perhaps, an acre of land and a miserable hovel, the rent of which he could never pay without the addition of his own labour; but if he can earn 40*s.* a year on his land, he then swears he is a 40*s.* freeholder; but should he refuse, the landlord tells him, "you must give up your land; I'll not keep an idle, lazy, lubberly fellow, who will not swear he is worth 40*s.* a year." Is the House, then, to be told that they are not to provide a remedy for this flagitious evil, because the clergy or the army, or even members of parliament, do not always adhere to the truth?—topics which form good subjects for amusement when my hon. and learned friend wishes to indulge his fancy, but which are very feeble arguments against remedying this crying evil. I could not help thinking that my hon. and learned friend displayed somewhat of the alacrity of an advocate, in selecting from the wide range of his own imagination, all those popular topics that could be plied against the cause. The present system leads to the most painful consequences. At an election, the landlord says to his agent, "Send those 500 men to the market." Generally speaking, they neither know nor care for whom they vote; but, should his religious feelings be aroused, should the priest be called into action, then arises a contest between the priest and the landlord, neither of them seeking to elevate the poor peasant, but to get possession of him. The consequence of which is, to insult the landlord and degrade the priest. But, after the heat of the contest has subsided, the poor wretch retires from the religious excitement, and has to settle with his landlord, he has to make up his rent, he is unable to do it, and is dismissed; and the result is, that the poor man is ruined by yielding to his religious feelings, and resisting the tyranny of his landlord. Thus the peasant was habituated to a perpetual contest with his landlord, in which the latter always succeeds. Are these things disputed in the evidence? Do we want witnesses to prove that perjury has been committed? Why, it was distinctly proved before the committee of this House—a committee composed of persons of all opinions, who were inclined to probe the subject to the bottom. I have no recollection of any measure in support of which such satisfactory evidence was adduced before a committee. Do we, by the measure we propose, affect the independence of elections? No such thing. On the contrary, we secure the purity of election. I hold in my hand an account of the number of persons registered for eight years in thirty-two counties, from which returns were made, and what was the proportion? In the year before the election, the proportion was of the 40*s.* freeholders, 18 to 1 of the 20*l.* and 50*l.* freeholders. The consequence of all this was, that the independent freeholders were overlaid, and the principle of election was wholly destroyed. The hon. member for Corfe Castle (Mr. Bankes) was so fired with constitutional zeal, which the courtesy of the House compels me to admit is great, but one particle beyond which I am not prepared to go, [a laugh] has declared, that he would rather expire on the floor of this House, than sacrifice one portion of his fine Runnymede feelings [cheers and laughter]. I do admire, most exceedingly, the fine spirit of the ancient barons, when it bursts out through the hon. member for Corfe Castle. But I hope it will be some consolation to him to learn, that this measure is not intended to affect England. There may be modes of managing votes in some of the towns in England; but with English towns I profess myself wholly unacquainted. At present, I address myself to the hon. member for Corfe Castle, and I trust his feelings will be appeased by the circumstances to which I have adverted. We propose no violent change: the measure is to be slow and gradual in its operation; the result of it will be the raising up a class of sturdy, independent yeomanry in Ireland, who, in the fulness of time, will be fitted for the same rights which are enjoyed, and wisely exercised, by the people of this country. This is the principle of the measure: it disfranchises no man: it will produce no violent effect on the country; and it is entitled to support, because it appears calculated, from the evidence which has been received, to give general satisfaction. With respect to one part of the evidence, my hon. and learned friend has been much mistaken, I mean the evidence of Mr. O'Connell. I have read that evidence lately; and the meaning of it appears obviously to me to advise the committee not to meddle with the subject; but this I understood to apply to the operation of the measure by itself without any other—which no man would advise. I do not wish to attach to the character of Mr. O'Connell, more value than I think properly belongs to it. I must do him the justice to say, that he enjoys a large portion of the confidence of the people of Ireland. I had very little intercourse with that gentleman until after the recent discussions in this House; but, from what I have seen of him, I cannot hesitate to declare, in the face of parliament, that I do not believe there is any man less disposed than Mr. O'Connell to abuse the extensive confidence he enjoys amongst his countrymen, or more desirous to employ it for the benefit of his country [loud cheers]. I myself have been lately in Ireland, and have had much intercourse with people of various opinions as to the policy of the measure. They appeared to me to approve of it. It has also the support of my right hon. friend (sir J. Newport). There are many other Irish members sitting round my hon. and learned friend, who can inform him as to the operation of the measure; for although I cannot sympathize with him, or suppose him in any unpleasant predicament, arising from a want of acquaintance with the great general principles of this or any other important question, yet, on the details of the measure, I must give him credit for the most absolute ignorance. However, he is surrounded by those who can best inform him; and they, I believe, with one or two exceptions, are persuaded the measure will give general satisfaction. Let him consult them, and still more his own excellent judgment, flinging aside, for the present, the aid of his rhetoric, and he cannot fail to arrive at a sound conclusion.—Sir, I need not describe the solicitude I avow myself to feel for the success of this bill. I hail its accomplishment, not alone as it advances the hopes of the Roman Catholic, but I sincerely hail it with reference to the satisfaction it is calculated to impart to the Protestants of Ireland. I mean, that it is calculated not only to conciliate that portion of the Protestants of Ireland who are friendly to the repeal of Catholic disabilities, but even those who still continue adverse to its accomplishment. And here it is impossible that I should not express the heartfelt gratification that I, in common with all those who look forward to the completion of the great measure of Catholic relief, have felt at the great advance that question has received, by the accession of such support as has been afforded to us by the vote of my hon. friend the member for the county of Armagh. If any one thing could excuse a feeling of envy or jealousy in my mind it would be, I confess, towards him; enjoying, as he does, the proud consciousness arising from his generous, manly, and honest declaration. Returning to this measure, my hon. and learned friend has asked, even though it should be coupled with the accomplishment of Catholic relief, who is the bold man that would venture to say that this measure will afford relief to Ireland? I meet the interrogatory of my hon. and learned friend: and, though I do not profess myself as the votary of that extreme political courage, which I have often found to be more an indication of rashness than firmness, yet, with my conviction of the propriety of the measure—with my knowledge of the general impressions that exist in Ireland as to its necessity—I am that bold man. I do in my conscience believe, that, coupled with the substantial measure of relief, it will not only conciliate the Catholics, but give increased security to the Protestants of Ireland.—And here I have to complain of my hon. and learned friend, that in the whole of his excursive speech, he has altogether thrown out of his view what that security demanded. But, though he disregarded it, it is a consideration that I confess has never been out of my calculation. To obtain the great measure of relief to the Roman Catholics of Ireland has been the object of my utmost anxiety. I have been always solicitous for that great accomplishment—now, more than ever. I feel that a day should not be lost before the House carried this vote into effect. But, strongly as I feel its necessity, I am still persuaded, that if it were carried into effect, leaving an existing distrust in the minds of the Protestants of Ireland, it would be a curse instead of a blessing. Let it be recollected, that in the progress of this great cause, every foot of it has been reclaimed ground. It has made its way gradually—the triumph of enlightened views and irresistible argument. And therefore it is that, since first it was introduced to the consideration of the legislature, there never was a moment when the result of such continued exertions was more likely to be frustrated—when the cup was more likely to be dashed from the lip on the brink of enjoyment,—than at the moment I address you, by any indiscretion on the part of any honourable member. I beg my hon. and learned friend to believe, that I think him incapable of any such intention. I never can forget his super-eminent services to this great cause. No man who feels for the prosperity of Ireland and the security of the empire, can forget the important benefits which, in the exercise of his powerful talents, my hon. and learned friend has given to those great objects. But, without presuming to pronounce on the reasons, it was impossible not to see with regret, that even he is labouring this night under an effort which was eminently calculated, though not intended, to defeat the great object for which he had heretofore so powerfully struggled, and by so doing to dash from Ireland the blessing, the very moment that it anticipated its fulfilment. There are many other topics connected with this great question which press themselves on my consideration, but I feel that neither my own strength, nor my feeling of respect to the attention with which I have been honoured, will permit me to intrude further on your patience. I leave, therefore, the question to the enlightened judgment of the House.

Mr. *Bankes* said, he was unwilling to trespass on the attention of the House; but he could not avoid, after the direct manner in which his name had been introduced, saying a few words, for the purpose of repelling the charges that had been made against him. He begged to deny that he had ever said he would rather lose his head on the block, or forfeit his estate, than consent to the measure before the House. It was most true that he had opposed it, when it was first introduced, though it was then in a different shape from that in which it now appeared: and notwithstanding the alteration, he still opposed it, because he considered it a harsh, unnecessary, and unconstitutional infraction of the privileges of the people. His hon. friend who introduced it had deviated from the original principle, as contained in the printed bill, and it now appeared that it was not intended to apply to any person in perfect possession of the elective franchise. This, no doubt, rendered it less objectionable; but still he saw enough objectionable in it to induce him to adhere to his former opinion. It was said, that the Catholic question would conciliate the people of Ireland. If it were carried, he hoped it might have that effect; but he did not wish to accompany it with a measure which he was certain would be a permanent source of discontent and disaffection in that country. The hon. member then proceeded to contend, that the bill was an uncalled-for violation of the privileges of the people; that if there were abuses in the mode of exercising the elective franchise in Ireland, those abuses ought to be pointed out and remedied; but that it would be a most dangerous precedent to attempt to correct the abuse by withdrawing an admitted right of the people. He thought it was setting a bad precedent for the freeholders of England, to sanction a principle that the 40*s.* qualification should be raised to ten pounds; and he concluded with moving, as an amendment, "That the Bill be read a second time that day six months."

Mr. Secretary *Peel* said, that, after the excitement raised by what had fallen from the hon. and learned gentleman opposite and his right hon. and learned friend, he regretted that he could not hope to attract the attention of the House as he intended to confine himself to the merits of the bill before them, without reference to any other question. Taking a view of it upon its abstract merits, and without looking at it as contingent upon another bill, which he also disapproved, his observations would be very brief. His right hon. and learned friend seemed to think, that there was some inconsistency between the opinions he expressed in 1817, and those which he delivered on Friday last. Now, there was, he would contend, none. In 1817, he had argued that the bill of 1793 gave no substantial power to the Catholics, though he admitted that what they then obtained was properly given; for, as Mr. Burke had justly said, there was a vast difference between the exercise of the elective franchise, and the admission to office. To this point alone had his observations in 1817 extended. He was ready to admit to his right hon. and learned friend, that there did exist great abuses in the present mode of exercising the elective franchise in Ireland; in the mode of creating fictitious freeholds; and in swearing to freeholds which did not exist; and he was prepared to consider any measure for the purpose of applying a remedy to the evil. But, in looking to the measure proposed, he doubted whether it would have any such effect; or rather he was convinced, that, as a remedy, it would be most injudiciously and unjustly applied. He concurred in what had been said by the hon. and learned gentleman opposite, that it would be most precipitate to make such a change without having full information on so important a subject. He did not mean to assert, that if inquiry was gone into, and it could be proved that the passing of this bill would strengthen the Protestant interest in Ireland, he would still continue opposed to it; but, under any circumstances, he should have great hesitation in supporting any measure which would make a change in the elective franchise as it now stood. On this principle he had opposed all the motions for reform which had been submitted to that House. He had opposed the bill for altering the present system of the elective franchise in Scotland, and increasing the number of voters: and he had now great doubts of the justice or expediency of any measure for diminishing the number of voters in Ireland. Let the House consider what would be the effect of this measure. He held in his hand a return of the number of freeholds which had been registered in Ireland for years back. He did not mean to say that this furnished a correct list of the number of persons now entitled to vote from freeholds, for, no doubt, many of the persons who had registered within the time specified were dead. But, the contents of the returns would afford a sufficient illustration of his argument. The list contained an account of the number of 40*s.*, 20*l.*, and 50*l.* freeholds registered in Ireland within the last eight years. From it it appeared, that since the year 1818 the number of 40*s* freeholds registered in the county of Tyrone was 13,000, and the number of freeholds of 20*l.* and upwards, registered within the same time, was only 273. Now, he thought it was a hard thing to say, that this immense number should be deprived of the elective franchise without any investigation. His hon. friend who brought in this bill had said, that he would not raise the qualification from 40*s.* only to 5*l.*, because it would increase the evil. Was not that in itself an argument for inquiry? It was contended, that the object of the bill was, to assimilate the practice in Ireland to that in England. The bill could do no such thing. It went only to oblige the freeholder to swear to 10*l.* instead of 40*s.*; but, if so much abuse already existed by persons swearing to 40*s.* freeholds which they did not possess, what security did this bill afford against parties swearing to a higher amount? What guarantee did it afford against perjury in the one case more than in the other? It was said, that the voter would be obliged to take the oath mentioned in the schedule of the bill; but, on looking at the schedule, he found not a word was said about any such oath. Let the hon. member look at his own bill, and he will find that it contained no such oath. But, even if it had, it could afford no greater security than was afforded by the law as it now stood. It was possible that that oath was left for the decision of the committee. He contended that the House should have some information, in its present stage, in order to form a correct judgment of the whole bearings of the present bill.—He would now examine how far the measure would affect the Protestant interest in Ireland. Mr. O'Connell had stated in his evidence, that this bill would have the effect of lessening the power of the aristocracy, and of increasing the influence of the Roman Catholics. Did this show that the Protestant interest would be benefitted by it? In looking at the returns to which he had before alluded, he found that the greatest number of 40*s.* freeholders (the extent of which had been ascribed as a cause of the great discontent and disturbances in many parts of that country) was in the north. In the county of Kilkenny there were registered, since 1795,3760 40*s.* freeholds, and they sent two catholic members to parliament. [a laugh.] By Catholic members he meant members who supported the Catholic question. In the county of Fermanagh, he found the number of 40*s.* freeholds registered in the same period to be 26,900, and that county sent two members to parliament who invariably voted against the Catholics. Now, when he compared these facts, he must have something stronger than the arguments he had that night heard, to make him believe that the 40*s.* freeholders were a cause of distress or disturbance, or that the disfranchising them would be an advantage to the Protestant interest. If these freeholders were, for the greater part, Catholics, it would only show that they acted under the influence of property—an influence which had its weight in this country, as well as in Ireland. But, if they were Protestants, the House ought to pause and inquire, before they disfranchised them. In the county of Waterford, in which there existed, for a time, the greatest distress and dissatisfaction, the number of 40*s.* freeholders registered since 1793 was 7,000. While in the county of Antrim, which consisted, for the greater part, of Protestants, the number registered in the same time was 29,500. Now, he put it to the House, that if these were Catholics, and consented to return Protestant members, or members opposing the Catholic question, there could be no danger to the Protestant establishment in allowing them to retain the elective franchise; but, if they were Protestants, he would ask what boon was held out to them for the privilege of which they were thus deprived? [cheers.] It was said, that this bill, concurrently with the Catholic Relief bill, would raise the Catholic from the state of degradation in which he was now placed. Admitting that argument to go for what it was worth, it might be an answer to the Catholic for the loss of his franchise; but, what answer would it be to the Protestant for the sacrifice of his constitutional privilege, which he had never abused? [hear.] In the eight counties of Ulster, the most flourishing part of Ireland, he was informed, for he had not the returns before him, that the number of 40*s.* freeholds registered within the last eight years was 190,000, while in fourteen counties in the south of Ireland, where so much distress and disturbance had existed, the number did not exceed 168,000. Were not these grave subjects for consideration, before the House proceeded any further with a measure, which was to disfranchise so extensive a portion of the people of Ireland?—He would now beg the House to consider what the effects of this measure would be. Was it desirable, he would ask, to hold out a bonus to the multiplication of 10*l.* freeholds? Would it give Ireland such a yeomanry as its friends would wish to see established in it? It appeared to him, that the abolition of the 40*s.* cottiers would not produce any beneficial political effect, and that the multiplication of 10*l.* freeholders would only increase the number of miserable farmers. The argument of his hon. friend the member for Louth, appeared to him to carry considerable weight with it. When they were introducing a great political innovation, they ought not to argue from the state of things existing at present, but from the state of things which would exist when the change had taken place. Now, he would ask whether there would not be the same noxious effect produced by the fee-simple tenure as by the 40*s.* tenure? Was there any thing in the present bill to prevent a man from erecting a number of houses, and from conveying them in fee-simple to the freeholders? Was there any thing to prevent him from saying to them "I will give you a house on a certain tenure, but I will attach to it a quantity of land or of bog, which you shall hold on an uncertain tenure, so that whenever an election comes, I may have a hold upon you for your vote?" He had looked at the bill with considerable attention, and he must confess that, after all his pains, he could not find in it any security against such a practice. He contended that the bill was not calculated to strengthen the Protestant interest, or to assimilate the freehold tenures in Ireland to the freehold tenures in England, or to remedy any of the evils which Mr. O'Connell had described as arising out of the present system of 40*s.* freeholds. He maintained that at present the House had not sufficiently inquired into the subject, and implored it to weigh the arguments which had been urged against it, instead of passing it precipitately, without examination. This bill, it ought to be recollected, was contingent upon the passing of the great bill which was to emancipate the Catholics. It was only to take effect under the new circumstances which were to arise in consequence of the passing of that bill, when there was to be an oblivion of all discords in Ireland, and when all classes of his majesty's subjects were to be knitted together in peace and amity. If such a result should arise from that measure, the necessity of disfranchising the 40*s.* freeholders would be gone for ever; and if it did not, this bill would not be any security for the Protestant interest, inasmuch as its effects would not be immediate, but prospective. He knew that he was not taking that side of the argument which was likely to facilitate his own views on the Catholic subject; but, he was pursuing that line of conduct which was dictated to him by a sense of public duty. He was unwilling to deprive the lower classes of Ireland of a privilege which, when it was first granted to them, Mr. Burke had described as of inestimable value; and above all, he was reluctant to begin his career as a parliamentary reformer by disfranchising, almost without examination, a large portion of the electors of that kingdom. Under these circumstances, he should oppose the bill, being convinced that members were not at present in possession of information which would justify them in giving to it their support.

Sir *H. Parnell* said, he would support the bill as being calculated to remove many of the evils of Ireland, especially when taken in conjunction with the great measure of relief. He referred to certain practices which had taken place in his own county and in others with which he was acquainted, under the present system; and contended that the bill would be attended with the most beneficial effects, by operating as a remedy both to evasion and artifice. Upon the whole of this question he perfectly concurred in the sentiments expressed by the late Mr. Fox, in his speech on Mr. Grey's motion for a reform in parliament, in May 1797. The sentiments of that great man were so applicable to the present occasion, that he could not better support his own views than by quoting them to the House. The hon. member then read the following extract from Mr. Fox's speech :—"I have always deprecated universal suffrage, not so much on account of the confusion to which it would lead, as because I think that we should in reality lose the very object which we desire to obtain; because I think it would, in its nature, embarrass, and prevent the deliberative voice of the country from being heard. I do not think you augment the deliberative body of the people by counting all the heads, but that in truth you confer on individuals, by this means, the power of drawing forth numbers, who, without deliberation, would implicitly act upon their will. My opinion is, that the best plan of representation is that which shall bring into activity the greatest number of independent voters, and that that is defective which would bring forth those whose situation and condition take from them the power of deliberation. I can have no conception of that being a good plan of election which should enable individuals to bring regiments to the poll. The desideratum to be obtained is independent voters, and that, I say, would be a defective system that should bring regiments of soldiers, of servants, and of persons whose low condition necessarily curbed the independence of their minds. That I take to be the most perfect system which shall include the greatest number of independent electors, and exclude the greatest number of those who are necessarily by their condition dependent." He requested gentlemen to bear in mind, that there had been several public meetings in Ireland since the bill was introduced, and that there had not been at any of those meetings a single voice or hand raised up against it. Not to mention others there had been one in Carlow, and one in his own county, in neither of which there was a single dissentient. For these reasons he should give his cordial support to the bill; especially as it was connected with the measure so likely to be attended with the best consequences to the peace and prosperity of that unhappy and injured country.

Mr. *Vesey Fitzgerald* declared his intention to vote for the second reading of the bill. His only objection was, that the qualification did not appear to him to go high enough. He was surprised to hear any person who knew any thing of the state of Ireland contend, that some measure of reform was not necessary in the elective franchise. Even if this bill was not to be accompanied with the one for the relief of Roman Catholics he should be prepared to support it. No regulations hitherto proposed had been found effectual. He would not now pledge himself to the amount of qualification. He should be better pleased if it were higher. The only effect of raising it to 10*l.* would be to render perjury somewhat more difficult. With even a qualification to that amount he feared that numbers would still remain in the situation mentioned by Dr. Kelly, the Roman Catholic archbishop of Tuam, in his evidence before the committee, and be compelled to take the oath. A higher qualification would afford a greater security against perjury. This bill was intimately connected with the morality of the country, and he trusted it would be carried by a triumphant majority. Much, he thought, might be done in the committee, to improve the enactments, and render them more adequate to the end proposed; and he would most willingly lend his assistance to any proposition that might be made in the further stages of the bill, with a view to ultimate improvement and completion.

Mr. *Butler Clarke* said, he would vote for the bill. If ever there was a measure calculated to ruin the country, it was the system of 40*s.* freeholders established in Ireland.

Mr. *Martin*, of Galway, said, that in voting for this measure, he certainly did not consult his own interest in a very material degree. In justice to those who had brought it forward, and to the attorney-general for Ireland, he must say, that it was forced upon their consideration, by some who would not be otherwise disposed to vote in favour of the concession. There was no popular print in Ireland that had not expressed an opinion favourable to it. For his own part, he should be the last man that would support it, if he did not think it would forward the Catholic claims. He was not at all disposed to concur with those, who cast a stigma on the 40*s.* freeholders. If his hon. colleague were present, he would not deny that they did not deserve such a stigma cast on them. In an arduous contest which had taken place for the county which he had the honour to represent, crowds of the freeholders were put on board ship, and stowed into the hold, for the purpose of being brought to poll for his hon. colleague. Some of his own tenantry had been corrupted to vote against him. They were confined like slaves, within walls eight or ten feet high. But, after all, when they came to the poll, they voted for him. The ship was a revenue cutter, a king's ship, and it conveyed these electors to the coast to vote for a violent whig, against one who was known to be, in general, a supporter of the measures of government. His support of this bill was wrung from him. They ought not to disfranchise the 40*s.* freeholders; after availing themselves of the services of these men, they were going to use them like bees, to smother them in the hive, after obtaining the honey. He should vote for the bill, though not with any great hopes of furthering his own interests.

Mr. *Brownlow* said, he could not allow the House to come to a division without thanking the hon. member for Staffordshire for bringing in this bill, and without offering his evidence, that no measure could be produced more intimately connected with the future welfare and prosperity of Ireland. He had never met with any person who objected to this bill out of doors—of course he was not speaking of any person who objected within them—who was not actuated by private motives rather than by the public good. He would give the House a case in point, to show how the system worked. A gentleman, of large landed property in Ireland, and a man possessed of every virtue save that of residing on his estates in that country, was called upon by the government to discharge the duty of high sheriff, in the county in which his property was situated. He endeavoured to get rid of the duty imposed upon him, but not finding it possible, he said, "By G—d, if I am obliged to go to Ireland by the government, I will make myself an M. P. to vex them." The consequence was, that he took with him to Ireland 2,600 leases, and when he got there, parcelled out his estate into 2,600 subdivisions, so minute, that to live upon them would be complete beggary. He now said, "I will walk into parliament without asking the vote of a single man in the independent county in which I have the honour to reside." The cause of evils like this was the low qualification for the elective franchise—the remedy, the augmentation of that franchise, and the consequent increase of the independence of the voter. But, it was said, that hundreds of thousands would be thereby disfranchised: he admitted that this would follow in the case of these 40*s.* freeholds; but in most instances the parts of that body which it was of value to preserve would have the power of reaching the suggested augmented qualification. Therefore, no evil would befal the really independent voter; and, who could lament the dispersion of the really dependent one? The House would feel no regret at the abandonment of the present system in Ireland, if they could once behold a procession of these wretched 40*s.* freeholders, as they had been described by those who knew them best, driven on and drilled by a task-master to pronounce the name of their master's nominee, occupying on their route the stalls of kindred cattle dislodged for their accommodation. If this degrading and odious system were once seen generally, its incompatibility with the freedom of election would be so notorious, that every voice would be raised against it. If it were not so late an hour of the night, he thought he could demonstrate, that there was no subject more intimately connected with the welfare of Ireland than this, or which so prominently challenged revision.

Mr. *Hutchinson* paid the highest tribute to the candour, honour, and integrity of the hon. gentleman who had spoken last; but regretted that he could not concur with him in disfranchising so large a portion of the population of Ireland. He felt, indeed, the mortification of differing on this occasion from many Irish friends, to whose opinions he was in general warmly attached; but he could not consent to make such a change in the elective franchise for Ireland as would effect a sweeping disfranchisement of this nature, upon a mere vote, without the ceremony at least of a previous inquiry. He was sorry to trespass on the attention of the House, whilst he protested against this deprivation of power from nine-tenths of the people; besides, if the precedent were set in Ireland, where was it to stop? Did the people of England feel nothing for the result? [Here the hon. member was interrupted with loud symptoms of impatience.] He vehemently insisted upon his right to be heard, or else he would say that that was a disgraced assembly. He declared that he would not be silenced by clamour; and repeated, that the interruption could not affect him, although it would disgrace those who resorted to such a mode of stifling argument. He begged, as the firm advocate of the Catholic question, to disclaim the incidental aid offered by the promoters of this bill; for what, after all, did this bill call for? For a remedy which the gentry of Ireland had already in their hands; namely, to abandon the practice of corruption among their tenants. Let them correct their own disgraceful conduct in creating these 40*s.* nominal freeholders, and there would be no necessity for such a measure as this. Let that portion of the gentry of Ireland who spread corruption among the people begin by reforming themselves, and then they need not appear before parliament with such a bill as this; which admitted their own disgrace while it proscribed the most humble part of their own dependents. They first made the poor man their tool, and then they called upon parliament to make him their victim. But after all, was there more corruption in the lower body of the elective franchise in Ireland than in England? In behalf of the poor Irish he denied that there was, and he was astonished that his hon. friend, the member for Westminster, could think so, and consent to diminish a principle for which he had always been so unqualified a supporter. He strongly condemned the conjunction of such a measure as this with the Catholic bill, which ought to be liberally conceded without suspicion or reservation. It was quite a weakness to look for securities in the way in which some gentlemen thought. But this bill really offered none, and he must oppose it, even at the risk (if he supposed such could arise) of the loss of a question, of which his family had, through good and bad times, been the steadfast and persevering supporters. The time would come, if they even overlooked the present wholesome opportunity, when they would feel that it was arrant folly to legislate in this manner. They must take the Catholic question upon its own great merits, and unconnected with such inconsistent bills as this; which established a dangerous precedent, besides inflicting a positive and partial injustice. He opposed this bill with reluctance, from its supposed connexion with a question so dear to him from principle and from hereditary attachment—a question which five-and-twenty years ago he had vainly endeavoured to impress upon the parliament of that day; but he must do his duty both to the people of Ireland and of England, and take care, that while they were legislating in the spirit of freedom upon one question, they did not in another aim a vital blow at the rights of the lowliest class in society.

Mr. *Goulburn* rose, also amidst loud cries of "question." He said he could assure the House he did not mean to detain them; but he was desirous of saying a few words, lest the vote he should give might be misinterpreted. He would oppose the bill; for he thought the security it offered no security at all. They were called upon to encounter an immediate danger; and as a security against it they were offered a remedy which was only prospective, and would not come into operation for years to come. But, if the bill were not connected with the other measure—if it stood on its own grounds—he should be ready to vote against it. He did not take this part from any liking to the 40*s.* freeholders; but because he thought, before any such measure was proposed, it should be distinctly proved that an evil was felt, and that the measure proposed would be an efficacious remedy. But as to the extent of the evil, there were great differences of opinion. Some persons were of opinion, that all the poverty and misery of Ireland arose from this system; while others, of equal respectability, asserted that it produced no evils at all. The House had received one report from the committee; but it did not contain all the evidence which had been given on this subject. Until all this was known, it must be plain to the House that they were legislating on incomplete evidence. To shew the House the imperfect state of their information, he would just read to them the evidence of a gentleman who was distinguished both as a good magistrate and as a most respectable country gentleman. He meant general Burke, than whom a more excellent man, or one better qualified to give an opinion on such subjects, did not exist. When general Burke was asked, whether the 40*s.* freeholds tended to the subdivision of farms, and to the increase of population, his answer was "Not so far as his knowledge went." And this was with reference to the county of Limerick, where, if in any part of Ireland, such consequences might particularly be expected. When general Burke was asked, what were the advantages which the 40*s.* freeholder derived from his franchise, and whether he felt that his situation was improved by it, his answer was, "He feels great pride. I have seen him come back from registering his franchise, exultingly exclaiming, 'I can now make a parliament-man.'" It was general Burke's opinion, that to deprive the Irish 40*s.* freeholder of this feeling, would be to deprive him of a great deal. He would now refer to the evidence of colonel Curry, a man next to general Burke, the best informed on the subject that could be found. Colonel Curry was also of opinion, that the 40*s.* freeholders had great pride in the possession of their franchises. What was the inference to be drawn from all this? That the subject was in the progress of inquiry, and was not ready to be pronounced upon. The hon. member for Galway had said, that nothing was so pure and virtuous as the electors of that county, who, when they were brought to vote for one candidate, actually voted for another, of whom they entertained a better opinion. The hon. member for Armagh had made quite a different statement, and had quoted in its support, the opinion of Dr. Kelly, the titular archbishop of Tuam. But, supposing the existing evil to be as great as it had been described to be, would the measure which was now proposed prove an efficient remedy for it? Did the hon. member for Armagh, who alluded to an occurrence in one of the northern counties of Ireland, suppose, that if the bill under consideration had existed in the shape of a law, the practice of which he complained would have been prevented? Would any Irish gentleman possessed of an estate of 30,000 acres find a greater difficulty in dividing it into 2,600 10*l.* shares than in 2,600 40*s.* shares? If the Queen's county was to be contested after the passing of this bill, did the hon. member for that county suppose that 10*l.* freeholders would not be furnished in as great a number as 40*s.*? But, he would keep his word with the House, and would not trespass longer upon their patience. All he asked was, that they would not decide until they had obtained all the information which could be furnished them by the committee now sitting, and a great deal more.

Lord *Milton* confessed, that the present was a subject which he did not approach with any great satisfaction. He agreed very much with what had fallen from the hon. member for Galway; and under the circumstances of the case, he should at least vote for forwarding the bill through its present stage, although he owned that it was no great favourite with him. He concurred also in much that had fallen from the right hon. Secretary of State for the Home Department. Acknowledging as strongly as any man the evil that arose in Ireland from the 40*s.* system; he perfectly agreed with the right hon. gentleman that it was a matter of great doubt if it could be cured by this measure. He believed that much of that evil arose, not so much from the nature of the qualification, as from the means taken to regulate its exercise. If there was any one branch of the subject more pregnant with evil than another, it was the register law. That was the great source of the evil. Nevertheless, he admitted that the smallness of the qualification in Ireland was in itself a great evil; but perhaps the mischief and inconvenience of it arose more from the state of society in that country, than from the franchise itself. If there was any thing in the bill, however, which particularly recommended it to his adoption, it was a tendency belonging to it, which it might appear singular in him to praise. It was one misfortune of Ireland, and of all countries of less advanced civilization —a misfortune which it would require many years to remedy—that property in general belonged to a few distinct proprietors. If the bill, however, possessed any quality which (surprising as it might appear, that he should praise) appeared to him to be peculiarly entitled to approbation, it was, that it struck a blow at that oligarchy, of which he was a component part. The existing oligarchy was one of the great curses of Ireland. In that point of view, it certainly would be very advantageous; but he frankly acknowledged that it did not appear to him to be by any means certain, that the individuals who followed in the train of the oligarchy, and were made the instruments of its power, did themselves set a much higher value on the elective franchise than had been generally admitted by the witnesses who were examined before the committee. He thought the oligarchy of Ireland much too powerful. He wished that a part of their power might be thrown into the hands of the middle class in that country; if such a class could be found. At any rate, he would try to solve the great problem of the possibility of doing so. Nevertheless, he was not upon the whole indisposed to say that he believed he might be induced to give up the elective franchise in question, for the sake of the other great object in view. Rather than relinquish that great object, he would, if it were found absolutely necessary to do so, pay the price for it of supporting this bill. But, he trusted the House would not allow the measure now under consideration to pass out of their power, until they had first seen how it went with the other important proposition.

Mr. *Grattan* declared, that the bill now proposed was so contrary to the spirit of the constitution, so material a change in the law of the country, so extraordinary an invasion of popular rights, that he could not bring himself conscientiously to give it his support. Its principle was tremendous. Let that principle be once admitted, and where would it stop? If it were just to convert the 40*s.* qualifications into 10*l.* qualifications, it might by and by be considered just to convert 10*l.* qualifications into 20*l.* qualifications; and so on, until all the counties of Ireland were brought to the condition of close boroughs. There might be cases of abuse in some of the Irish counties; but ought parliament to legislate for two-and-thirty counties, on the ground of the existence of a few individual instances of abuse? What had Dr. Doyle said of the three counties of Kildare, Carlow, and the Queen's county? That in two of them the system did not operate at all mischievously, and in the Queen's county, but little so. The 40*s.* freeholders were the people. To strike off all the popular class of electors at one blow appeared to him to be a monstrous proceeding; and one to which he could by no means consent. Why might it not be used as a precedent in this country? If the legislature could thus get rid of 200,000 voters at once in Ireland, what was there to prevent their doing something of the same kind at some subsequent period in this country? He wished things to be kept as they were; and was no friend to that description of reform. Instead of such steps as these, let the gentlemen of Ireland attend to their property, and endeavour to improve the condition of the people. He could not be satisfied until he had thus relieved his mind by entering his protest against this most unconstitutional and monstrous plan of reform.

Sir *F. Burdett* began by paying a high compliment to the splendid talents of the right hon. and learned Attorney-general for Ireland—talents which that right hon. and learned gentleman was employing in the promotion of the prosperity, honour, and glory of Ireland, or rather of the empire; for it was in vain to talk of separating the interests of the two countries. What was beneficial to Ireland must be beneficial to England. With respect to the measure immediately under consideration, it had been opposed by his hon. friend who had just sat down as an enemy to reform. He did not before know that his hon. friend was an enemy to reform, but whether he was an enemy or a friend to reform, this measure had no connection with what was generally understood by that name, and could not be connected with it. Nor was he himself less attached to the cause of reform than he had always been. It was sufficient for him to say, that the present was a conjuncture of circumstances which might never again occur. Here was an opportunity of reconciling and uniting the two parties, of Catholics and Protestants in Ireland, by obtaining for the one a valuable boon, and by prevailing on the other to be contented with a moderate security. At so easy a rate was it proposed to amalgamate interests which had, hitherto, been distinct and in opposition. He would not say whether the present measure would or would not, in its present form, meet all the grievances which were connected with the existing state of the elective franchise in Ireland. Those who thought it would not do so, ought to allow the bill to go into a committee, and there to propose such modifications as might render it more operative. But, he must say, that when the Protestant gentlemen of Ireland came forward as they were now coming forward, laid aside their ancient prejudices, and shewed a disposition to hold out the hand of friendship to their Catholic countrymen, the English members of the united parliament would incur a great responsibility, if, against the express sense of their Irish brethren, they declined to accede to a measure which was considered by them to be so beneficial.—Seeing as he did, the critical situation of circumstances—seeing as he did a large body of the Catholics, and another large body of the Protestants, coming forward, and making the common declaration that the success of the present measure was necessary to the success of the great measure of Catholic relief, he should think he acted very reprehensibly, if he were to permit any abstract principles, however pure and admirable, and beautiful, to stand in the way of his concurrence in so great and practical a benefit [hear, hear!]. To those who said that nothing would be got by this measure, he would reply, that the greatest advantages would be secured by it. He was not standing there as a Catholic advocate. He was an advocate for the interest of the country generally. He was as much the advocate of the Protestant interest in Ireland as he was of the Catholic interest there. Nay, he had no hesitation in saying, that if those two interests were at issue—if they were found to be incompatible with one another—he should certainly side with the Protestants of Ireland. That would be his natural feeling and alliance. But, when he saw the Protestant interest in Ireland greatly endangered by the state of the Catholic mind in that country—when he saw an opportunity present itself of reconciling their differences—when he saw the Catholics of Ireland prepared to receive with gratitude what the Protestants were willing to yield with satisfaction—when he found the happy moment had arrived when the Protestants conceived that their interests might be secured, while their Catholic brethren were relieved—when the Catholics conceived that the measures by which that relief was to be accompanied were unobjectionable—when all the great ancient topics, prejudices, and dangers had disappeared—when they appeared as mere shadows—and when the opposite danger was so urgent of allowing six millions of men to remain discontented, in consequence of a refusal of their claims—he could not think it safe or practicable under such circumstances, to act with those hon. members who were disposed to sacrifice a great national benefit for vague and uncertain theory [hear, hear!]. He must say that he thought the hon. member for Armagh had conferred the greatest obligations on his country. That hon. member had performed a duty to his country, and had conferred a benefit on her, at which he would feel reason to rejoice the longest day he had to live. He trusted his country would be grateful to him for his efforts. He trusted, also, that the admirable observations which had fallen from that hon. member, and from the right hon. and learned gentleman who preceded him, would not fail to convince the House of the necessity of uniting the consideration of the present bill with the consideration of the great measure of Catholic emancipation. Firmly believing the two propositions to be dependent on one another, he should give all the support in his power to the present bill, in every stage of its progress. Supposing—which, however, he was by no means prepared to admit—that all the objections which had been urged to the details of the bill naturally existed, it would surely be very practicable to cure them in the committee. There all the contradictory and hair-splitting difficulties of various hon. gentlemen might be reconciled. Some of those difficulties proceeded on one ground, and some on another. By some the hardship was proclaimed of taking away the franchise from the freeholders. But those unfortunate persons were misnamed; they were held indeed, but they were not free: they were scarcely more free than the slaves in the West Indies. Some of the persons best informed with respect to the state of Ireland had declared, that the practical effect of the present state of the elective franchise in that country was a great evil in itself, and one which ought to be remedied, without reference to any other consideration. They declared, that the freeholders in question were no freer than a gang of negroes in the West Indies. It was true that they might revolt and rebel; but they did it at their certain peril, and were likely to do it not of their own will, but at the instigation of others. Whether all this, and much more of the same kind, were or were not true, he would not take upon himself to say; but he had never heard any one speak of Ireland, who had not represented the state of the elective franchise in that country as one of the principal sources from which flowed the various evils by which she was oppressed. This, however, he would take upon himself confidently to say—that we should get a great boon, if we could exchange the present bill for that important measure of Catholic emancipation, which was calculated to give peace and security to the empire. The hon. member for Wicklow talked of the present bill as disfranchising a great body of the people. It was not so. True, it would disfranchise some. But, as he had already observed, it was an earnest of peace and conciliation. Such a proceeding was peculiarly propitious at a time when Ireland was in a state of tranquillity, unprecedented in the history of that country; and that, too, a state which had resulted from the mutual inquiries of the two parties who had heretofore been so acrimoniously opposed to one another. It was pleasing to find, that when from recent circumstances gentlemen of the two religions were brought together, they soon found that they had mistaken each other—that they had indulged in exaggerated notions, and had been influenced by feelings of unwarranted resentment; when the two parties came to know one another, each found that the character of the other was different from what it had appeared to be, and both were willing to make every possible sacrifice for mutual accommodation and conciliation. Under those circumstances, he implored the House not to reject the bill before them. He implored them not to look at it in the light of a measure affecting the rights of election—not to regard it as a distinct proposition—but to consider it as a proceeding indispensably necessary to reconcile the Protestant interests of Ireland to the concessions that it was proposed to make to their Catholic brethren, and to induce all parties to unite, heart and hand, in the establishment of the peace of Ireland on the solid basis of civil and religious liberty.

Mr. *Denman* said, he could not refrain, consistently with his feelings, from explaining the reasons which compelled him to dissent from the bill before the House. To him it appeared to be a most unnatural proposition, coupled with the other great measure on principles utterly inconsistent with the progress of that measure; which he was sure would prosper better if it got rid of this unaccountable incumbrance. He must say, that it was with surprise he heard his hon. friend the member for Westminster, talk of the operation of the present bill as trifling; for if it were trifling to interfere with and destroy the rights of electors, he was at a loss to know what could be justly deemed important. Nor was his opposition to the measure founded on the ground of its reference to Ireland alone: he dreaded it as an example to this country. He dreaded lest, in some future combination of circumstances, it might be adduced as a precedent for some fatal inroad on the constitution. It appeared to him, that the inference attempted to be drawn was, that if the Catholic disabilities could be removed, it mattered not under what system of laws Ireland should be governed. He would make no such concession. The question did not belong to Catholic more than to Protestant; nor to Ireland more than to England. It belonged to them all and they ought to view it with equal alarm. He was not to be told that they could found upon it no precedent for invading the franchise of England; because he knew on what slight pretences things of this sort were raised into precedents. He would arm against the most distant approach of a theory so pregnant with evil consequences. Why did not this subject commence with an examination in a committee? The measure as it stood was totally different from that which the hon. member for Stafford had at first proposed. He entreated the attention of the House for a few moments. If the majority of the House should prove to be in favour of the measure in its present stage, he would not pertinaciously persevere in his opposition to it as he had formerly done in his opposition to those temporary, but unconstitutional measures, to which, in a moment of alarm, the parliament of this country had agreed. If the great body of the friends of Catholic emancipation felt that it was indispensable to keep this bill and the Catholic Relief bill together, he would cease to oppose the present measure. As, therefore, he should express his opinion but once, he trusted he should be pardoned for trespassing for a few minutes upon the patience of the House. The whole case made out in favour of the bill was, that it would prevent perjury; but, could not this species of perjury be prevented by a little attention to those higher persons, who were said to use these voters to their corrupt purposes? The House was bound, before it passed such an important measure, to inquire into the number of individuals who had a right to vote, and into the precise effects of the species of vote which they were about to annihilate. Some were for disfranchising voters, of 5*l.* freeholds, some of 10*l.*, and some of 20*l.*; and amidst this confusion of opinions and this uncertainty of data, what an immense sacrifice the House was about to make of popular rights! Mr. Blake was of opinion, that the elective franchise, according to the constitution, ought to be in the ratio of property, and not of numbers. He should like to know where such a principle was to be found in any record of the constitution. If this measure of disfranchisement were justifiable in Ireland, why should it not, at some future time, be applied to England? The bill was founded upon the sole principle, that because a man was poor, he was dependent, and therefore at the mercy of the landlord. Major-general Burke, before the committee of the Lords, had denied that it was a system for these freeholders to traffic their votes for money, and declared that the sub-division of the land was only made for the purposes of acquiring a better rent. This evil would of itself cease upon the introduction of English capital into Ireland. The present system made the peasantry of Ireland feel themselves of some consequence, in the scale of society, from the solicitation that their landlords were obliged to make to them at periods of election. If the bill stood by itself, there was not a shadow of a case made out for it: there was nothing proved which would at all authorise the

House to disfranchise any class of the people. As to the idea of effecting a bargain of emancipation by it, to whom was the benefit of the contract to accrue? It was no bargain as between Protestant and Catholic; it was no bargain as between high and low Catholics. It had been supported by aggregate and county Catholic meetings; but there was no statement of the number of 40*s.* freeholders who voted for the destruction, if they voted at all, of their own rights and liberties. He denounced the measure as one of those expedients devised by enemies to thwart the general question. It was of a piece with the veto, with the question of long oaths, and the other means of cajolery. What did the veto do in 1809, besides securing the chancellorship of Oxford for lord Grenville? If he could admit the danger threatened, he could not admit the safety of the measures proposed. They were any thing but securities. And, was this a time to yield them, when the fortress of bigotry was stormed, and the picked men of the garrison were ready to surrender? The scales and films had confessedly fallen from the eyes of many adversaries of emancipation. Could less have happened, supposing those gentlemen to be sincere, if this bill had never been heard of? He felt obliged to vote against it, and to state to the House his reasons for so doing.

Mr. *Abercromby* said, that at any time he would have considered this measure as a boon to Ireland, if emancipation had not accompanied it: not but that he would have supported the bill for emancipation in the first instance; because it would be unjust to deprive Ireland of one iota of her seeming rights until justice were done to her people. His firm conviction was, that in supporting this measure, he was stripping an oligarchy of a power which they ought not to possess. He should vote for it under the impression, that by so doing, he should deprive various classes of the Irish gentry of the means of jobbing—a system which was most disgraceful to them, and most ruinous to the country. It was a system that must ruin the independence of general elections; and therefore he should support the measure. But, above all, he would support it, because if that system continued, it would ultimately exclude persons of the middling classes of society from all real share in elections. He appealed to those who were best acquainted with Ireland, and asked, whether the 40*s.* freeholder was not the raw material out of which the Irish gentleman manufactured all his disgraceful jobs. They who had not been in the southern parts of Ireland could have no conception of the miserable dependance in which these 40*s.* freeholders existed on the estates of their landlords. Their whole existence, indeed, was attached to the wretched acre which they held; and it might, therefore, easily be supposed, that they were the mere tools of the owner of the land. Should this bill pass, it was his conviction that it would be proved one of the greatest boons which the united parliament could confer upon Ireland.

Mr. *Lambton* said, that, notwithstanding the resolution he thought he had taken of not interfering in this discussion, except by a silent vote, he felt compelled to address a few observations to the House, which, he could assure it, would occupy but a very short time. Nor should he have trespassed on its attention at all, but for the observations which had fallen from his hon. friend, the member for Westminster, who had been pleased to proscribe every one who had the misfortune to differ with him in opinion upon the merits of his bill. The hon. baronet had at least said, that, for the future, he should consider it unsafe to act with those who possessed "this beautiful virtue" in such a degree, and so inflexibly that it would not accommodate itself to circumstances. Now, he acknowledged that he was of this proscribed number; and, however painful it might be to be thus opposed to his hon. friend, with whom he had been so long accustomed to act, yet, if, as the consequence of his declaration, he was to separate from the hon. baronet that night and for ever, he must protest that he could not conscientiously support this bill [cries of "Question"]. He trusted the House would allow him to state in a very few words—and even under the penalty of that ban under which the hon. baronet had placed him—what his own views were upon this question. From any thing that he had heard that night, he did not believe that the 40*s.* freeholders were really that description of persons they had been represented to be. He believed them to be much better than they were made out. Though by this bill they themselves were not to be disfranchised, yet their children would; and he, for one, following that principle which had ever guided his public conduct, never could consent to any measure having for its object a limitation of the elective franchise of the people. He had no confidence, no trust, in the quarter from which this measure came [hear]. He begged he might not be misunderstood: he was not alluding to his hon. friend, the member for Staffordshire, than whom he knew of no one whom he would be more ready to follow, or implicitly to confide in; but he distrusted the parties who, he feared, might have influenced, and who now most strongly supported the measure—"Timeo Danaos, et dona ferentes." The evidence which had been taken before the Irish committee was not sufficient to induce him to come to a favourable vote; and, however grieved he might be to find himself opposed to the hon. baronet, he felt it to be his duty, as an independent member of an English parliament, and as the representative of a large body of English electors, solemnly to declare, that he could not support this bill, or tolerate its principle.

Mr. *Littleton*, after what had just fallen from the hon. member for Durham, was only anxious to declare, that his hon. friend was quite mistaken in supposing that he had acted in this matter otherwise than as a volunteer; no individual having advised with him on the subject, or influenced him in determining to introduce this measure, although he had availed himself of the best information he could consult in its preparation. In every respect it was his own measure; he alone was responsible for it.

The question being put, That the word "now," stand part of the question, the House divided: Ayes 233; Noes 185; Majority for the second reading 48. The bill was then read a second time.

HOUSE OF LORDS.

Thursday, April 28.

CORN LAWS.] Lord *King* said, he had a petition to present from a town in Devonshire, praying for a revision of the Corn Laws. It was respectably signed by three hundred persons; but perhaps the noble lord opposite would say, that it would disturb the peace of the country, as it was of a different nature from a petition which he had presented. In presenting this petition, he could not help saying, that he hoped the noble lord opposite would not continue for another year the present system of the Corn laws, which would be, to compel the whole population of the country to pay a very heavy tax. The burthen which the Corn laws imposed was of the odious nature of a poll-tax, and was every where severely felt. If the present state of the Corn laws added 15*s.* per quarter to the price of wheat, the continuation of the system was making every man in the country pay this 15*s.* unjustly. By this tax, every family in the kingdom was obliged unnecessarily to pay to the amount of 3*l.* 15*s.* per annum.

Lord *Rolle* said, he was in favour of a revision of the Corn laws, but he did not think this exactly the period for entering into the investigation of so important a subject.

The Earl of *Lauderdale* could not allow one observation of the noble lord behind him to pass unnoticed. Nothing was more calculated to disturb the peace of the country than to state, that if the noble earl at the head of the Treasury continued the present system of the Corn laws, an unjust tax would be imposed on the people. He would ask the noble lord, where he had learned that the price of corn was so high as to constitute this tax? The noble lord was present at the commencement of the session, when his majesty's Speech described the prosperous state of the agriculture of the country; but the noble lord had then said nothing about the high price of corn, and had made no complaints of the poor suffering by the Corn laws. If the noble lord really wished to canvass for petitions, he had taken the right way to get them. He would now have them in abundance from the most ignorant parts of the country. He had thought it his duty to say thus much, because the observations of the noble lord were of a nature to excite no slight agitation throughout the country.

Lord *King* said, he had been asked, where he had learned that the price of corn was high? He had learned that fact from the petitions on the table; one of which was signed by 5,000 bankers and merchants of the city of London. He had learned it from the petitions from Manchester, Liverpool, and various parts of the country. He had learned it from the rise of prices since the commencement of the session; which prices had so increased, that there were apprehensions of the ports being thrown open. He was glad that the subject was to be taken up by the noble lord opposite; though he should be better pleased if there were no delay. When it should be taken up, however, he hoped their lordships would see no committee. If a committee were formed, every spectre would be brought forward and exhibited before it to frighten the country gentlemen. They would be told how cheap corn could be raised in Poland, where a plough was tied to a cow's tail or horns; and that there corn could be grown for nothing.

The Earl of *Lauderdale* denied that any petitions relative to the price of corn had been presented, either in that or the other House of parliament, until after notice had been given of a motion on the subject. The noble lord, it seemed, had learned the high price of corn from the petitions of merchants; but those petitioners were not corn consumers. All that they cared about corn was, that they might have opportunities to speculate, and put large profits in their pocket.

The Earl of *Limerick* said, he had a few days ago ventured to express an opinion, that if Canadian corn was admitted into this country, it would be impossible to prevent the corn of the United States from being introduced along with it. He little expected that he should have so soon been able to confirm his opinion; but he had that day seen a letter in an American paper, in which a merchant, writing to his correspondent, stated that the price of corn was very low; but, as England was to allow importation from Canada, it would soon rise, because the Americans would be able to pour in the corn of the United States.

The Earl of *Rosslyn* said, it was incumbent on parliament to recollect, that numerous contracts had been entered into on the faith of the present system, which it was understood would be permanent. He could not but think that the expectation of an alteration would create considerable alarm. It would have a great effect in Scotland, where the ministers' stipends were partly paid according to the price of grain in the market.

Ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, April 28.

Corn Laws.] After numerous petitions, both for and against a revision of the Corn Laws, had been presented to the House,

Mr. *Brougham* took occasion to suggest, that in proportion as hon. gentlemen really wished well to that momentous question, so soon to be brought before them by his hon. friend, in exactly the same proportion would they do well to abstain from saying any thing on presenting their petitions, or anticipate the discussion of the evening. He had never failed to observe, that when petitions were to be presented in great number, on a subject appointed for debate on the same night, the observations which were usually made upon them, occurring over and over again with each separate petition, had the effect of anticipating much of what might be more conveniently reserved for the principal debate; so that when the debate at last came on, those observations were found to have completely stifled it; or, to use a common phrase, to have thrown a wet blanket upon it. This being the case, he should himself follow his own doctrine. A petition most numerously and respectably signed by the inhabitants of the county of Durham, praying that no alteration might take place in the existing Corn laws, had been forwarded to him, and the petitioners had done him the honour, certainly, to confide it to his charge; but for the reasons he had already stated, he did not intend to present it that night, but would bring it in to-morrow. In the mean time the petitioners had all the benefit of the declaration which he now made, that the whole population of Durham were decidedly averse to any alteration of the Corn laws.

Sir *E. Knatchbull* remarked on the inconsistency of the hon. and learned gentleman, who deprecated other gentlemen's making comments on the subject of the petitions they might have to present, and yet had himself gone out of his way to remark on a petition that was not to be brought up until to-morrow.

Mr. *W. Gordon*, in presenting the petions from Kincardineshire, said he could not help thinking, notwithstanding the hon. and learned gentleman's observations, that that was the very moment for such remarks as hon. gentlemen might desire to offer on the subject.

The Sheriffs of London appeared at the bar, and presented a petition from the lord mayor, aldermen, and commons of the city of London, praying for an alteration in the Corn laws.

Mr. Alderman *Wood* said, it was not often the lot of the common council to record their approbation of the measures pursued by his majesty's government [a laugh.] On the present occasion, however, they expressed their admiration of the policy of ministers, in removing restrictions and establishing, in almost every direction, a free trade; but they added, that it was quite impossible, without some great alterations in the Corn laws, which should have the effect of lowering the price of grain, to stand up against the foreign manufacturer, whom we had now admitted into our own markets. The petitioners did not ask for any lower duty than what might be sufficient to protect the land-owner. But, under the present system of our Corn laws, many frauds were practised to keep up the price of grain to the consumer in this country; and the monopolist, and not the farmer, obtained all the advantage of those high prices from which the public suffered. He did hope that this trade would, for the future, be placed on a footing which would be most advantageous to the agriculturist and to the consumer generally.

Mr. *T. Wilson* was happy to be able to concur in what had fallen from his worthy colleague; which it was by no means his good fortune to do every day.

Mr. *C. Calvert* desired to call the attention of the House to the enormous expense which the country was put to for the printing of all these petitions. There were many of the less important kind that it would be quite sufficient merely to enter on the Journals, in such a manner, however, as to distinguish their prayer and object. Hon. gentlemen, in some cases, might content themselves with having them read, as an hon. friend of his, for example (Mr. W. Gordon), had just now presented about a dozen petitions on the same subject from the same county, the greater number of which were most likely verbatim et literatim the same.

Mr. *Bright* thought that this objection ought not to have been taken just now, on so important a subject. His hon. friend had surely begun at the wrong end; seeing that the city of London was the chief city of our commerce, and, indeed, of the commerce of the world.

Mr. *C. Calvert* said, he never meant to oppose the printing of a petition from the city of London, like that now before the House; which, of all others, it was most important should be printed. His observations applied to such cases as that which he had taken the liberty of pointing out.

Ordered to lie on the table.

Coronation Oath.] Mr. Egerton presented a petition from Chester, against any further concessions to the Roman Catholics.

Mr. *Grenfell* said, he was the last man in the House to allude to what had taken place elsewhere with reference to any matter done or to be done by that House; but, something had been said elsewhere which induced him to express a hope that, before the conclusion of the session, some member of weight and talent and character in one of the Houses of parliament, would bring under their consideration the propriety of altering the Coronation Oath [hear, hear!].

Corn Laws.] Mr. *W. Whitmore* rose and said:*

Sir;—I rise in pursuance of a notice, I gave early in the present session of parliament, to bring under the consideration of the House the law respecting the trade in Foreign Corn. Previous, Sir, to entering upon this most important subject, I am anxious to offer a few observations to the House, with respect to the motives which induce me to agitate this question, more with reference to the fate of my motion, than on account of any consideration personal to myself; though I do not pretend to be indifferent to the latter point.

If, Sir, I had been led to stir this question from any motive of personal vanity; or from any absurd notion of occupying for a moment a prominent station in this House, which neither my abilities, nor my habits of life, nor my inclination, would enable me permanently to fill—if, Sir, from these, or any such like motives, I had been induced to bring this subject forward, I should feel that I deserved the full measure of that censure which has for the last week been so unsparingly heaped upon me. I should feel that in exciting that ferment, which hon. members describe as pervading the country, on account of the motion which I have now the honour to submit to the House, I should have little to offer in extenuation of my conduct. But, Sir, it is by no motive of this kind that I am actuated; but by a deep conviction, that the period is arrived, beyond which, the consideration of this most important subject cannot with safety be postponed. It is time to make the laws regulating the Corn Trade square a little better with those principles of free trade, which have, so much to the credit of his majesty's ministers, been not only promulgated, but largely acted upon:—principles from whence the greatest benefits will be found to result, not alone to the people of this great manufacturing country, but to the world at large:—principles which reflect so much honour upon the ministers who have the manliness and the true wisdom to adopt them as the basis of their policy, and which will cause their names to descend to posterity, amongst those statesmen to whose memory the gratitude of the whole country is justly due.

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* From the original edition printed for J. Ridgway.

Sir, the Corn laws of England stand forward in glaring contrast to these principles—forming an exception, not only obvious to the eye, but calculated also to defeat the great advantages which would otherwise accrue from their adoption. Is it, Sir, not unjust to call upon the manufacturing interest to make those sacrifices, which a change of system, however beneficial in its ultimate results, never fails, in the first instance, to entail upon the parties interested—when, at the same time, you allow to continue in its full force, a system which strikes at the very root of commercial prosperity? Sir, a free admission of foreign corn, subject to such duty as the existence of burthens, bearing with peculiar or exclusive weight upon the productions of the soil, is the basis upon which free trade must repose, and without which it never can be permanently and effectually carried into operation.

The Corn laws of this country have inflicted the greatest injury upon the general trade of the world, that ever, perhaps, was produced by injudicious legislation. They have deranged its course, stagnated its current, and caused it to flow in new and far less beneficial channels than it formerly occupied. The returns from the Consuls abroad, stating the very low price of corn in all the shipping ports of the continent, and complaining, whenever any remarks accompany their returns, of the distress generally prevalent in the corn exporting countries, are sufficient evidence of this fact. One remarkable effect produced by them is, that they have led to the adoption of similar laws in all the other countries in Europe, whose natural condition is that of importing countries of corn. Spain and Portugal have followed our example; and Holland, whose laws respecting the external trade in corn, were, until lately, the best existing in any country, has just been forced to the adoption of the same line of policy. I say forced; because, it will be quite obvious, that if England, the great regulator of the price of corn in this part of the world, and with a view to the supply of whose markets, a considerable portion of this commodity is grown in Poland and the other exporting countries—if England, I say, determines on shutting her ports against its admission, it is clear that the corn, not finding its usual vent, must be thrown back upon the countries of its produce, causing a glut in their own markets, and overwhelming with its quantity the markets of all other countries open to its reception. It follows as an inevitable consequence, that the exclusion of foreign corn from the markets of a country naturally importing, produces similar regulations in other countries similarly situated.

Now, Sir, what consequence is likely to ensue from such a policy? Must it not at no distant period, repress production? Must it not cause the agriculturists of the exporting countries to abandon the cultivation of grain to a considerable extent, and betake themselves to the production of some other article, which, if not equally beneficial in its results, where a regular market exists for the sale of grain, is at least attended with more profit, or rather without the loss contingent upon the continued growth of an article, whose price has fallen considerably below the cost of its production. Such an effect is not only consistent with all reasoning upon the subject, but its existence is proved by direct testimony of the most unimpeachable nature. I hold in my hand two letters from Mr. Behrend, a resident at Dantzic, connected with the Corn trade, minutely informed of the actual situation of the agriculturists of that country, from the circumstance of his being a landed proprietor in it to a considerable extent. With the permission of the House I will read extracts from these letters:

"The Corn trade having now lingered in a depressed state for upwards of six years, the result of this unfortunate circumstance, to the whole northern continent, and more particularly to this country, has been extremely disastrous. The penury of the agriculturists having been driven to the highest pitch, production has gradually diminished, and as the higher classes have also felt the pressure of this general impoverishment, our commercial intercourse with the western parts of Europe has experienced a serious diminution. It is generally thought that the consumption of British colonials and manufactures, does not at present exceed one half of what it was before this unfortunate crisis of the Corn trade took place.

"The price of wheat at which the Prussian farmer can afford to pay the moderate taxes of this country, is calculated by the best economists at 35*s*. per Winchester quarter, but the landed proprietor in Volhynia (from which province we get the bulk of good wheat), cannot supply the ports of the Baltic at less than 38*s*., as he has nearly 14*s*. to pay for freight duties, and charges. Hence it appears, that our prices have been for more than five years under the cost of production, which accounts sufficiently for the considerable decrease which is observed in the extent of the Polish supplies and our home produce. It has been rumoured, that our government intends to retaliate, or, at least, to meet the present prohibitive system of the western countries by a similar measure, as regards several expensive articles of importation which are not in the number of the immediate necessaries of life; but little good is anticipated from such a measure, as it would, perhaps, annihilate trade altogether."

Upon the receipt of this letter I requested further information upon this subject, and received a second communication from the same gentleman; which, as it gives some interesting information with respect to the change of cultivation in Poland, I trust the House will permit me to read to them:

"I am myself the possessor of a patrimonial estate, on which my father never used to keep above 100 to 150 sheep. I have now increased my flock to 1,000 head, and as long as wool maintains its present value, I am certain I shall not recur to an increased culture of grain, were I to be made sure of 40*s*. per quarter for my wheat. I now produce about one-half the wheat which was grown on the same soil ten or twelve years ago, but find myself abundantly indemnified by an advantageous sale of the produce of my flock. I observe most of my neighbours to have adopted the same method, and, I think, I know but two classes of Polish agriculturists, one of which is ruined beyond help, and whose properties are in a state of general deterioration; and the other, having directed their whole attention to the breeding of cattle, the latter are observed to make annually large purchases of sheep, more particularly in Silesia and Saxony. Now, it is evident that the value of wool will be reduced in the same measure as production may increase. I am, nevertheless, quite certain, that a reduction of 25 per cent in the price of wool would still render its growth preferable to an increased culture of wheat at 40*s*. per quarter, not to mention the disorder naturally arising in a farm, from a repeated revolution in the agricultural system."

Now, Sir, from this reasoning, and these facts, there arise two important considerations: first, with respect to the regular supply of food for the consumption of this country; secondly, with respect to the effect this change of system would have on our own agricultural pursuits. Unless it can be shewn, that the average production in Europe of several years has been above the average consumption of the same period—a fact, which few, I presume, will venture to assert—it must follow, that a considerable reduction in produce, without a corresponding falling-off in consumption, must lead, at some time or other, to great deficiency in the quantity of food, and, consequently, to all the horrors of dearth, if not of famine. Sir, it is far from being my wish to create any unnecessary alarm in the country upon this subject, but I must say, that I cannot but fear, that the period is not very remote, when we shall reap the bitter fruits of our own most impolitic law. The stocks of wheat are now considered, by all the most intelligent persons I have conversed with upon this subject—(and whose views are sharpened and extended by that acuteness and information, which attention to individual interest never fails to produce)—as unusually low; and that we are, therefore, entirely dependent upon seasons, without, as is generally the case, having any stock upon which to draw in case of deficient produce.* Our resource of foreign supply will be essentially diminished by the change in agriculture abroad, to which I have alluded; and, I own I cannot contemplate all the evils which we are thus madly entailing upon ourselves, and, indeed, upon Europe in general, without the greatest alarm. The evil may be retarded by abundant seasons; it may be altogether averted by a timely change in our Corn laws, but if they are allowed to continue in full force, the fatal effect now contemplated seems at some period inevitable.

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* The usual stock of old wheat at harvest, may be computed, communibus annis, at 4,000,000 quarters: it is therefore, clear, that a country having that stock in hand in any given year, may continue

The other consideration arising from these facts is, that the hopes of the English agriculturist will be defeated, by the admission of a much larger quantity of foreign agricultural produce, other than grain, provided the present law continues to exclude the latter description of produce. More wool, more flax, more tallow, will be imported, and seriously affect the price of these articles in the English market. The present law is inconsistent with itself; and, in that respect, even Mr. Webb Hall's proposition had a greater appearance of wisdom—it was at least more consistent; though, it must be admitted, it was a consistency in error. Such, indeed, has been the fact. If gentlemen will look to the imports of these articles, they will find the quantities imported have lately very considerably increased. The annual average import of wool for five years, ending 1823, amounted to 16,194,502*lbs.*: for the year 1824, it amounted to 22,558,222*lbs.*, being an excess of 6,363,720*lbs.* The import of tallow for five years, ending 1819, averages 512,116 *cwt.* 2 *qrs.* 1*lb.* for each year; for the five years ending 1824, it averages 732,494 *cwt.* 2 *qrs.* 10*lbs.*, being an excess in the latter period of 220,378 *cwt.* 5 *qrs.* 9*lbs.* The flax imported from 1811 to 1820 averages 325,946 *cwts.* annually; in 1824 it amounted to 547,096 *cwts.* 2 *qrs.* 17*lbs.* being an excess of the last year of 221,150 *cwts.* 2*qrs* . 17*lbs.*

Now, Sir, I do not mean to press this argument beyond its fair limits. I am well aware, that the increasing population and prosperity of this country require a larger supply of these articles than heretofore. I am also aware that, in some cases, new markets have opened, and, in others, duties on imports have been lowered, which would naturally cause a larger importation; but still, Sir, I am convinced that, if we continue our present system, we shall find ourselves competed with at home, in these various products, in a way seriously affecting the interests of the agricultural classes. I need hardly refer to the evils of glut, as we have so recently escaped from them, that they must be fresh in the recollection of every gentleman; and all who reflect upon the subject must admit that a law, the tendency of which is to produce dearth at one time, will equally conduce to create superabundance at another. Great and ruinous fluctuation of price is the inevitable result of a system of restriction; whereas freedom in the trade in corn leads to the opposite effect; to as much steadiness of price as is consistent with a commodity, the produce of which varies so much with the seasons. In order to illustrate this, let us suppose the trade in corn confined to a single parish. Can any one, in such a case, doubt that dearth at one period, and superabundance at another, would follow as a necessary consequence. Extend the limits of the trade from a parish to a county, the variations, though less sudden and less frequent, will still be of perpetual recurrence. Extend them to a large country, and the chance of fluctuation, as well as its range, becomes thereby diminished. In fact, the more the basis from whence your supplies are drawn is widened, the greater the steadiness of price; the more it is narrowed, the more constant and the more fatal in their effects are the fluctuations to which you are subject.*

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without an import of foreign corn for three or four years, notwithstanding an annual deficiency of a 1,000,000 quarters, provided, from any circumstance, speculation had been repressed, and that the sole object was, to live from hand to mouth, without reference to a future period: that such has been our situation for the last five years is my decided conviction. The dealers in grain had suffered so much in their speculations during the depressed state of agricultural produce, that they lost all confidence, and confined their view to the immediate, not the remote and contingent demand; such a Corn law as now exists in this country, must ever produce a similar effect. It should be remembered, that all the great scarcities in this country have arisen from low stocks, conjoined with deficient produce.

* In early times, when there was a difficulty in the conveyance of bulky commo-

Another material consideration, respecting a price of corn considerably higher than its rate in surrounding nations, arises from its effect on capital invested in manufactures and other pursuits. It must raise the price of labour, and this rise in labour must, in some shape or other, affect the manufacturer. Some imagine it raises the price of his commodities; others, of which I am one, that it reduces the rate of his profits. In the former case, competition in foreign markets, with articles of foreign produce, would become impossible; in the latter case, the profits of stock would be essentially diminished. In either case dangerous consequences would result. Capital, upon the possession of which the power and importance, as well as wealth, of this country depends, would be attracted, by superior advantages, to some other more favoured situation. Gentlemen unaccustomed to reflect upon subjects of this nature, and perceiving great appearance of prosperity in all directions, may, perhaps, undervalue this consideration; and yet is there none of more vital consequence to the essential interests of this country. I implore them to reflect from what cause it proceeds, that England possesses such an extent of power and importance in the scale of nations. Is it from the extent of her territory, or amount of her population? Surely not. Viewed with reference to these points, how insignificant does our power appear when contrasted with that of the leading powers on the Continent. How small is the extent of both our territory, and the amount of our population, compared with those of either France or Austria; but still more glaring is the contrast if Russia be the point of comparison. How, if population and territory were the only elements of consideration, could we contend with this colossal empire? and yet we not only have competed with her, and with each of the other powers singly, but united, and could do so again successfully if the honour or interests of the country required it. Even the United States beats us hollow in respect of territory; and, although our population is now larger than her's, will it continue to be so twenty or thirty years hence? In fact, it is capital from whence the chief power of great states is derived; and any line of policy, the effect of which is to diminish our capital, it were sheer madness to pursue.

Does any statesman in this House believe we can pursue this policy with impunity—does any man of common intelligence in the country, who views the subject with impartiality, believe it?—Can they adduce a single instance of a country, similarly situated, who has pursued such a system, and continued to thrive under it?—I challenge them to produce the instance in any part or in any period of the world—the downfall of Holland, on the contrary, is attributed, by the best authorities, whom it might appear pedantry to quote, to this very circumstance, of a large artificial rise in the price of bread.* Sir, I feel convinced, if our Corn laws were to continue without modification for twenty years, that the prosperity of England would receive a mortal stab. There is also another effect produced by this law, which is of no mean importance. I allude to its effect in a political point of view—it is clear that its object is, to raise the price of provisions for the benefit of one class of the community, at the expense of the rest. I am far from wishing to say any thing offensive to

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dities from one part of the country to another, arising from the want of roads; when there existed a prejudice, as well as a legal penalty against what was called forestalling and regrating, the fluctuations in price were immense. In 1286, at one period of the year, wheat sold at 2*s.* 8*d.* per quarter; at another, at 16*s.*; during the year 1317, it was at 2*l.* 4*s.*, 4*l.*, and 6*s.* 8*d.* per quarter; in 1557, at one time, it was 4*l.*, at another, 2*l.* 13*s.* 4*d.* per quarter. The same holds good with respect to France and Spain, where, during the 150 years ending with the French Revolution, the variation in price amounted to 7 times; while in England, for the same period, it did not exceed 3¼ times; restriction either by law, or on account of difficulty of conveyance, existed in the two former countries, whereas in England, notwithstanding a law prohibiting export, except under high duties, which existed up to 1773, yet owing to its being constantly repealed pro tempore in periods of dearth, the trade was comparatively free, the communication between one part of the country and the other was also unfettered.

* The Corn Trade of Holland was, until lately, free, but there was, and still is, a tax paid upon flour ground at the mill.

any individual, but still I cannot, without omitting the strong points of argument in this case, refrain from alluding to the pernicious consequences of such a system. The class whose benefit is thus sought is the powerful and affluent class; those whose interests are rendered subservient are the mass and body of the people—can this produce any other effect than to introduce a principle of discord and disunion there, where harmony and concord are so essential for the public good. Are we, Sir, prepared, at the present time of day, to separate the aristocracy from the people?—are we prepared to set up a privileged class, to whose immediate advantage the real interests of this great country are to be heedlessly sacrificed? Sir, this would be at all times most dangerous—introducing a principle altogether at variance with the spirit of our constitution, and calculated to work in it a change which cannot be contemplated without most serious apprehension. But, is this the time you would select for so rash an experiment?—Is it a time of ignorance and want of intelligence upon matters of this nature?—Is it a moment when monopoly can shelter itself under the garb of patriotism? Is it not, on the contrary, the time, above all others, when the flimsy veil would be most easily seen through, and when the real nature of the law would stand forth in all its worst features, naked and exposed to the indignant gaze of an enlightened and injured people. The present, as all know, is a time when there is spread over the face of the country an enlightenment, a knowledge and spirit of inquiry, such as marked no former period of our history, and when it has penetrated and shed its influence over the abode of ignorance and prejudice—the artizans, the labourers of this country, are fast becoming a far more intelligent body than they formerly were. Not only have the elements of education been generally diffused amongst them, but the abstruse and more intricate parts of knowledge are now communicated to them with an ease and a profusion calculated to excite astonishment, and to call forth serious reflexion. Some individuals entertain apprehensions upon this subject, in which I certainly do not participate; but, if I could believe that the legislature of this country could be rash enough to disregard the spirit of the times, and to continue a line of policy such as that which engendered our Corn Laws—in such an age, and with so clear a view of their injustice as that which pervades the mass of the people, I should also fear the consequences of this extension of knowledge; but, Sir, I cannot and do not believe it—I rely upon the sound and liberal policy of the present administration—I confide in that intelligence which must make its way amongst the landed interest of this country, for the removal of an evil of so glaring and so pernicious a tendency.

Sir, before I proceed to state what alteration in the law I am now about to recommend, I think it desirable to mention shortly what the Corn Law of England formerly was, and the rather because some are in the habit of considering our present law as of long standing, and having, therefore, received the seal of time and experience. This, Sir, is an error; the principle introduced into our legislation on that subject by the law of 1815 is entirely new—such as we never dreamt of before, being, in truth, the wildest theory, and most insane speculation, that ever entered into the heads of practical statesmen. It contained, as we know, a provision, that there should be a complete exclusion of foreign corn under a given price (80*s.* per quarter), and a free admission of it above that price. The law of 1822 in some measure modified this principle, but containing an import price, and fixing that as high as 70*s.* it left the law in very nearly the same injurious state. This, I have said, was not so formerly: with permission of the House I will shortly state what was the principle of the law from the time we became a regularly importing country of corn, namely, in 1773. By the law passed in that year, foreign wheat was at all times admissible into the English markets, subject to one high duty of 24*s.* 3*d.* per quarter, and two low duties; the first of 2*s.* 3*d.*, the second of 6*d.* per quarter. The high duty was payable when wheat was below 44*s.* per quarter; the first low duty of 2*s.* 6*d.* when its average price was at or above 44*s.*; the second low duty of 6*d.* per quarter when the price reached 48*s.* The same principle and amount of duties was continued by the law passed in 1791, but the prices at which they were payable were altered; the high duty of 24*s.* 3*d.* was payable up to 50*s.*; the first low duty of 2*s.* 6*d.* between 50*s.* and 54*s.*; and the second low duty of 6*d.* at or above 54*s.* In 1804 these prices were again changed to 63*s.* per quarter, up to which the high duty was payable; between 63*s.* and 66*s.* the first low duty was imposed, and at 66*s.* the second low duty took place. Owing to the price in the English market being always (with the exception of three or four years, which occurred after the American war) above that price at which the high duty was payable, the effect was a free trade in corn, subject to a duty of 2*s.* 6*d.* per quarter at most, but generally to a duty of only 6*d.* Virtually, then, though not nominally, we had a free trade in corn with very low duties. I shall now proceed to the proposed alteration, but before I do so I must clear my way of the exclusive burthens to which the agriculturist of this country is subject, and, on account of which, by the admission of all parties, he is entitled to some protection. Sir, these have been much exaggerated; but neither am I disposed to reduce them to their lowest amount, as I am convinced that there is a disposition on the part of the people of this country to make a fair and liberal allowance to the agricultural interest with respect to these burthens; but I must inquire a little as to their amount. They are said to consist of poor rates, tithes, land-tax, highway, and other parochial rates.

	£
The Poor Rates, including county rates and other payments, amounted in 1823 to about	7,000,000
Tithes	5,000,000
Land Tax	1,210,127
Highways, &c.	2,000,000
	£15,210,127

But to cover all possible loss accruing from these burthens, I will take them at 18,000,000*l.**

Now, Sir, let us consider what would be the effect of a duty of 10*s.* per quarter imposed on the import of foreign wheat into this country; if we take the consumption at 14,000,000 quarters, it will stand thus:

	£
14,000,000 quarters wheat, raised in price by a duty of 10*s.* per quarter	7,000,000
14,000,000 barley, duty, 5*s.*	3,500,000
20,000,000 oats, duty 3*s.*	3,000,000
Grass produce, vegetables, &c.	5,000,000
	£18,500,000

A duty of 10*s.* would then have the effect of drawing from the pockets of the people of this country 18,000,000*l.* annually more than they would have to pay if the trade in corn were free. No doubt can, I think, be entertained of this being its effect, or nearly its effect. It is clear that the object of the duty must be to raise the price of agricultural produce generally, or it would be of no value at all: and it would be absurd to impose restrictions without a motive, as would be the case if it were true, as some seem to imagine that the duty would fall only upon the foreign corn imported, and not produce the effect of raising the price of the whole quantity consumed.* In the event of a free trade in corn, the home growth would be less, and the imports of foreign corn greater, The latter, drawn from soils of a superior quality than those in cultivation in this country, would be sold with profit to the grower at more moderate prices. It is clear that low prices would be the consequence of open ports, and high ones (the demand continuing the same) the result of the exclusion of foreign corn, provided it did not, as it would produce great fluctuation of price: a moderate duty, supposing it not to exclude foreign corn, would thus have the effect of raising its price generally in the markets of this country. If the price of wheat was raised, that of every other description of agricultural produce would proportionably be increased. This is so generally allowed, that I need not, I am sure, take up the time of the House in arguing it.

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* It is quite obvious that this is a high, nay, an extravagant calculation—no allowance is made for that portion of poor and county rates paid by the towns—none for that portion of the tithes in the hands of lay impropriators, nor for the church patronage, generally in the hands of the landed interest—nor is the effect of the legacy duty falling upon personal and not real property, at all calculated. If all these circumstances were fairly estimated, the claim would be considerably reduced.

* The high rate of what is called the remunerating price in this country, provided the whole quantity of food required for our consumption were raised at home, would be owing to the inferior description of soil thus forced into cultivation, and which could not be cultivated unless a high price were obtained for its produce. Under a system of free trade in corn, these inferior soils would not be forced into corn cultivation; or rather, would not be subject to the regular rotation of crops, which the high price arising from duty payable on the import of foreign corn would produce: there is, perhaps, no soil so inferior now in cultivation which might not occasionally be broke up for one or two crops of grain, but with moderate prices the inferior soils would not be stimulated to an unnatural produce by a large expenditure of capital, in the shape of artificial manure and great labour, but allowed to rest until nature had again invigorated them for a similar process of cropping. I need not mention to those acquainted with agricultural pursuits, that these inferior soils would bear some species of herbage when not ploughed. It is also true that the better descriptions of soil would be stimulated to greater produce by a large expenditure of capital, when prices were high than when low.

The next point to which I wish to call the attention of the House is, the probable price at which a certain quantity of foreign corn would now be sold in the markets of this country. One datum is afforded by the average price at Rotterdam, from the year 1815 to the year 1824, the result of which is, an average price for the whole of the ten years, of 47*s.* 9¾*d.* per quarter. True it is, that in one of the years, 1817, the price rose, on account of scarcity in France and England, to 93*s.* per quarter; but during the four or five latter years of this period, the prices were unusually depressed, owing to the English markets being closed against the admission of foreign corn.[*] There is, therefore, no reason to imagine it is too high an average; and as Rotterdam is about the same distance from the ports of the exporting countries as the harbours of Great Britain, the probability is, that if our ports were open for the admission of foreign corn, it could not be sold with profit below that price. The average price of wheat at New York, for the five years ending 1824, is 38*s.* per quarter. This, however, was a period during which no import for British consumption took place, and there is, therefore, no reason to imagine the price higher than it would amount to under the circumstance of a demand for this country—to this might be added the expense of freight, &c., amounting to about 12*s.*, which would raise it to 50*s.* per quarter.[*] Wheat from Odessa could hardly be imported under a price of 44*s.*,[†] including all the charges. From these facts, added to all the information I have been able to collect from the most competent authorities on this subject, and whose opinion, with respect to the probable price of foreign corn in the English markets, provided they were open to its reception, I have found to vary between 45*s.* and 52., I am at least justified in assuming, that 45*s.* without duty would be as low a price as that at which any quantity of foreign corn could be imported into this country. If to this were added a duty of 10*s.* per quarter, it would raise the price to 55*s.*,[‡] and that is quite as high as any attention to the real interests of the country, would justify an attempt to raise it. I am, however, aware that great alarm prevails amongst the agriculturists upon this subject, and that, judging from the present low prices on the continent, they believe, that if the ports were thrown open for the admission of foreign corn, subject only to a moderate duty, a most serious revulsion would take place in their interests; that, in fact, they would be overwhelmed with a deluge of foreign corn, which would bring back all the tremendous distress which existed during the recent period of low prices. They conceive this more especially, as they infer from the circumstance of no import having taken place into Great Britain for six years, that there must be a large quantity ready to be poured into this country. I believe their fears are greatly beyond that which the real facts of the case would justify, as I will shortly endeavour to shew; but I have no objection to meet them by such a regulation as must, I think be admitted, even by the most fearful, to be a sufficient guarantee against such an evil. I would propose, more with a view to quiet apprehension than as a matter of any real importance in itself, to increase the duty by *5s.* per quarter, in proportion as the price declined *5s.*: thus, at *55s.* the duty to be *10s.*; from

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[*] The prices were as follows:

1815..47*s.* 8¼*d.*
1816..60*s.* 11*d.*
1817..93*s.* 3*d.*
1818..66*s.* 8*d.*
1819..46*s.* 6½*d.*
1820..36*s.* 10½*d.*
1821..33*s.* 5*d.*
1822..29*s.* 9½*d.*
1823..30*s.* 3*d.*
1824..32*s.* 10½*d.*

[*] The wheat of the United States is of superior quality.

[†] The average quality of Odessa wheat is stated to be inferior by one sixth to that of English growth.

[‡] The probability is, it would be higher, and that as a larger quantity were required for the increasing consumption of this country, it would sustain a slight but gradual augmentation of price owing either to the greater distance or diminished fertility of soil from whence it would be drawn.

55 to 50......15 per quarter.
50 — 45......20 ditto.
45 — 40......25 ditto.

It is my belief that this would be, as the high duty formerly was, a dead letter, as I have no idea of prices falling so low under a system of import subject to moderate duties as to call into operation any other duty than the lowest mentioned (10*s.*); but it is the part of true wisdom to make any sacrifices to public feeling, which can be done without endangering the main object to be attained; and with that view it is, not from any feeling of the utility of the measure itself, that I venture to propose it.

The fears respecting the immense quantity of foreign corn which would be poured into our ports, on the opening of the markets of this country to its admission, I hold to be greatly exaggerated; I do not conceive that at the present moment the whole world could furnish us with a 1,000,000 quarters of wheat; and I have strong reason to believe, that, considering the low state of our stocks, this would not be more than we require to re-establish them. Nor do I imagine that any great revulsion of price would immediately occur. Where a real and not fictitious demand exists, the opening of the ports produces but a slight effect on price; this was exemplified by the opening of the ports (as it is called) for oats last August —the price, when the ports opened, was 28*s.* per quarter; it declined in September to 22*s.* 7*d.* and rose again in December to 23*s.* 4*d.*—the quantity imported was 488,000 quarters.

With reference to the usual import, provided the law were altered according to the plan I have suggested, I have no reason to believe that it would amount to any quantity which could be considered injurious to our own agriculturists. We may judge of what is likely to be by what has been. The total imports of wheat, from the year 1800 to 1820, amounted to 12,577,029 *qrs.*, giving an annual average import of 589,906 *qrs.* The average price of that period amounted to 84*s.* 6*d.*; but, during a portion of it, the currency was depreciated, and allowance must be made for such depreciation. If we deduct 10 per cent from it, we shall deduct much more than the real fact demands; and this would give us a metallic price for the period in question of 76*s.*, twenty shillings a quarter higher than that at which I should wish to see it raised to by any duty we might impose. During the period in question, there occurred four or five years of decided dearth, when the prices rose to a tremendous height, and a proportionably large import took place. The following are the years of largest import, with the average price of each year:—

	Qrs. Wheat.	£.	s.
1800	1,263,771	110	5
1801	1,424,241	115	11
1810	1,439,615	103	0
1817	1,030,829	94	0
1818	1,586,030	83	8

Whoever will examine the sources from whence these large supplies were drawn, will see at once that nothing but a very high price could have attracted a portion of them to this country. The whole world seems ransacked, with a view to the supply of Great Britain in periods of dearth—not the products of Europe and America alone are pressed into our service, but those of Asia and Africa are made to contribute to our wants.

I do not see any reason to imagine that, with a moderate average price of *55s.* per quarter for wheat, we should import upon an average more than we did during the twenty-one years of which I have taken notice. Supposing, however, the average amount of our annual imports of wheat was 1,000,000, instead of 600,000 quarters, surely no great alarm need be felt by the British agriculturist. He would still have to supply 13,000,000 quarters; and as the population of the country is rapidly increasing, the demand would certainly not diminish, but, on the contrary, might, in a few years, be expected most materially to increase. The plan I have proposed to the House for an alteration of the law involves the maintenance of a system of averages. I am aware how unfashionable such a system is at the present moment; but, after the most mature reflection, I give it as my decided opinion, that so long as duty upon the import of foreign corn continues a part of our system, so long must we regulate it by some such machinery; and I must fairly own, I have no such violent objection to it as I hear generally proclaimed. I see no reason to doubt that the frauds which are stated to have been committed may be effectually prevented, by applying such remedies as the wisdom of the legislature may devise; nor is fraud so likely to be committed, under a system of import, with moderate duties, as under the present law, which establishes an artificial barrier to all trade in foreign corn, until prices shall have reached a given amount. When there is a large quantity of grain in bond, waiting for a market—entailing a heavy loss upon the merchant to whom it belongs—subject to damage and destruction of various kinds—and a most beneficial market existing just without the precincts of the warehouse—there is certainly a premium held out for fraud, such as hardly ever existed before, and which may, in some instances, be irresistible; but the alteration now proposed in the law would at once remove all such inducement: at the utmost, the whole benefit to be attained by fraudulent returns would be a somewhat lower duty than that, at which, without a rise in price in our own markets, foreign corn would be admitted. I have no great apprehension that such a motive would induce men of so high a sense of honour as that which distinguishes the character of British merchants, to injure their character, and tarnish their reputation, by so dishonest a practice. Supposing even that some inconvenience of this nature belonged inherently to the average system, still is it not necessary to guard against the greater inconveniences of import duty upon so important an article as grain, at periods of dearth? You must be prepared either to continue your duty at whatever price corn may amount to, or you must establish a practicable mode, by which, at a given price, such duty shall cease.

With respect to the first, I have no idea of a duty, however moderate, being maintainable in a period of dearth.—I have no idea of any one who has reflected upon the irritation and feverish excitement always existing in the public mind at such periods—seriously determining upon a law of which that was a provision—sure I am its fatal impolicy would soon be discovered, and some remedy be applied. Mr. Burke's opinion upon this point is deserving of great weight—he states in his thoughts and details upon scarcity, published in 1796, that he has observed that the lower orders patiently submit to any privations on the score of food, so long as they can attribute them to no other cause than the visitations of Providence—but that the moment they detect the hand of government interfering with their supply of food, they become discontented and riotous—they attribute not a portion of their distress, but the whole of it, to this cause. This appears to me a most sound opinion, and I do trust that whatever change the House may determine upon in the Corn laws, it never will be lost sight of. Some propose to remedy the evil by intrusting the privy council with a power to suspend the duty when they see reason to do so—I do not know what the present privy council may feel upon the subject, but a power more invidious, one more difficult of execution, without giving great offence to conflicting interests—one more calculated to render them odious in the eyes of the people I can hardly imagine. Others recommend a temporary act to be passed at a period of dearth; but it should be borne in mind, that a dearth is commonly ascertained in October or November, and that parliament does not usually assemble until February. It would therefore be necessary to call it together for this special purpose at an unusual and inconvenient season, besides affording food for all that jealousy and excitement which such a proceeding would necessarily give rise to. Few will contend, that, under the freest system of trade, no dearth would ever occur; that it would be rendered less frequent is obvious; but to guard against it entirely is an Utopian speculation, upon which it were most dangerous to legislate—I must own too that the imposition of high duties at very low prices, which by removing prejudice, and giving a feeling of security to the agriculturist, would so much facilitate a melioration in our law, weighs much in my mind in favour of a continuance of averages, without which no such provision could be made. The information derived from these averages, together with the convenience the public derive from them in regulating rents and contracts of various sorts, ought to induce the House to pause before they change a system which has existed for so long a period, and which never, that I am aware of, has afforded ground for complaint until there was grafted upon it an import price, but with which it has manifestly no inseparable connexion.

I feel most anxious the House should immediately proceed to amend a law which contains principles so much at variance with every part of our policy—so fraught with injury to the people of this country—so entirely opposed to the spirit and intelligence of the age in which we live; and I own I deeply regret the determination expressed by government not to enter upon this important subject in the present session of parliament. If ever there was a period when it could be discussed with less risk of excitement on the public mind than another, the present is that period—no distress amongst any class prevails. The interests, therefore, of all parties may be considered with that calmness and moderation so essential to their being thoroughly understood, and the due weight being afforded to them. Those among the agriculturists who admit a change to be desirable, but recommend the House to wait until the moment of scarcity arrives, surely take an extraordinary view of their own interest. Do they imagine that to be a period, when even their fair claims will be patiently listened to? Do they not, on the contrary, expect that such a feeling will go forth throughout the country—that clamour, not reason,—deep-rooted prejudice, not fair judgment,—will at such a season be called upon to decide upon this subject.

It is my full belief, that if we allow the causes now in operation to produce their full effect before we settle this great question, the agriculturists must expect to be hurried away by the tide of popular feeling, and to be compelled to relinquish all claims, even the fairest and most legitimate, to protection and security.

Many other points remain to be noticed, but I have already trespassed at too great length upon the time and patience of the House to permit me to enter upon them at present. I beg, Sir, to move, "That this House will resolve itself into a Committee of the whole House to consider of the Corn Laws"

Mr. *Gooch* said, it did not appear to him that the hon. member had made out a case sufficiently strong to justify him in calling upon the House to accede to his proposition. For the last six years, the average price of wheat had been 58*s.* 3*d.* per quarter; and he would ask the House whether, considering all the expenses to which the farmer was subject, it was possible for him to farm his land at a lower price? It appeared to him, that the present system of Corn laws, with all its imperfections on its head, worked well, and afforded the farmer a fair remunerating price. He did not stand there as the advocate of high prices; and he considered that 60*s.* per quarter was a fair remunerating price for wheat, and 30*s.* per quarter for barley. He was desirous that every working man in the country should have an adequate recompence for his labour, and that he should, on the Saturday night, be enabled to diffuse comfort amongst his wife and children. Nothing, of course, could be more popular than the doctrine of cheap bread. Once raise the clamour about it, and it would naturally run like wild fire through the country; but let the House remember, that the expenses to which land was subject were extremely high, much higher than the hon. member had stated. There were the charges for roads, bridges, gaols, county-rates, poor-rates, and the rest; all of which fell upon the land. The average price of corn, in foreign markets, in the year 1824, was 20*s.* a quarter. The price of it when imported into this country was 40*s.* a quarter. Could the British farmer be expected to pay his rent at such a price as that? The distinction between agriculturists and manufacturers was invidious. The farmers were not alone interested: the labouring poor were interested in the Corn laws; the tradesmen were interested; the whole nation was interested in the prosperity of agriculture and the price of corn; all classes were equally affected by them, and all ought to sink or swim together like Britons. When landholders got a good price for their corn, the manufacturers got a good price for their manufactures. There never was a period when the country was more prosperous than it was at present; and at no former period, until the notice of the motion of the hon. member, did there remain more general tranquillity. He therefore thought the hon. member had much to answer for. The British farmer could not, without protection, compete with the foreign importer. The House might as well expect two horses to make an equal race, one of which was loaded with 12 stone and the other with a feather; but give fair weight to John Bull and let him start at the same moment, and he would back him 10 to 1 against the foreigner. He did not want an exorbitant price; 60*s.* a quarter would pay him as well now, as 88 did some time ago. The British farmer required legislative protection while he was burthened with such heavy public charges; according to the gradual diminution of those charges he would not object to the partial removal of the protecting duties. His fixed opinion was, that the hon. mover ought to have left well alone; and with that impression he should conclude by moving the previous question.

Mr. *Curwen* said, it could not be disguised, that, upon this question, the agricultural and manufacturing interests were directly at issue. To decide between them was a delicate task; but the question was, whether the agricultural interest was to be entirely sacrificed? The hon. member proposed by enlarging the supply, to keep down the price; but did he consider the ultimate result of such a measure? A depreciation of price must necessarily throw a quantity of land out of cultivation in this country, and we should then be reduced to depend on foreign supply. Could the hon. member guarantee such a continuance of that supply as would prevent the disastrous consequences of a dearth in this country? He had no objection to bring the average down to 60*s*. because he considered that as good now as 70*s*. five years ago. He was once an advocate for a change in the Corn laws, because of the distress he had witnessed in the country; but he had since altered his mind. There was complete security against any present dearth in the quantity of corn on hand. He did not think, therefore, that a case had been made out to call for an alteration of the law.

Lord *Oxmantown* supported the amendment. He said he foresaw a multitude of inconveniences in the hon. member's plan. If it were adopted, it would place us in a situation of complete dependence on supplies of corn from abroad. It would also throw much of our tillage lands out of cultivation, and thereby diminish the numbers of that hardy population the agricultural labourers, which it ought to be our interest to encourage: seeing that they constituted the strength of the empire. Upon these grounds, he was opposed to the proposition for altering the Corn laws.

Mr. *Huskisson* said, it was not his intention, in rising to address the House, to make any observations on those facts which his hon. friend, the member for Bridgenorth, had, with such meritorious industry and research submitted to its attention. He believed it was unnecessary for him to say, that in those general commercial regulations, which affected not only the trade in corn, but all other great branches of our mercantile economy, he concurred with his hon. friend. The reason, therefore, why he did not advert to the facts so perspicuously submitted by his hon. friend, was not that he denied that they were of the greatest importance, or that they were not entitled to the most serious notice of that House and of the country at large. So far from it, that he was most solicitous that the whole of those facts should undergo the fullest consideration from both. Without, however, disputing those facts, the grounds of his objection to the motion rested mainly on the time under which such a revision of our system was proposed. If it should be the pleasure of the House to send the subject to the consideration of a committee, he would be prepared to shew in that committee, that, though not differing from his hon. friend in principle, yet still he did not think that the course he proposed was, from the time, and the peculiar circumstances of the case, adviseable, although the real difference between them was only in degree. He was most anxious not to be misunderstood on this point. He believed, however, that the views which he entertained of the system that ought to govern the Corn trade of this country, were not unknown, either within or without that House. He might be allowed to say, that they were on record in the Report of the select committee which sat on the depressed state of agriculture in 1821. Without risking the imputation of arrogance, he might state, that the opinions which he held on that most important subject were fully expressed in that report; and he might now refer to that very document, and call upon the House to compare the observations stated in it, with the prospective relief and improvement of the agricultural interest, what had actually, as affecting those interests, since occurred. It might have been presumed, that those who felt deeply on the question of the Corn laws, as they affected the agricultural interest, would have looked with a less hostile view at any revision of that system, when they actually found that subsequent events had so strictly corresponded with the deductions and expectations laid down in that Report. Indeed, he believed that there were many hon. members, and other gentlemen deeply connected with that interest, who at the time, differed from the views of that committee, but who were now, from the progress of events, fully satisfied of the soundness of its general conclusions. At the same time, he was prepared to argue, that whilst there might exist a full acquiescence in the principles of that report, as to the permanent system that ought to govern our trade in corn, it was not at all inconsistent, that there should exist a difference as to the time, mode, and degree, under which a revision of the present system should take place.

It was certainly with surprise that he had seen so many petitions presented to that House, deprecating any change in the laws passed for the protection of the agricultural interest in the year 1815. He trusted that he should always feel disposed to treat with attention the petitions of any great class of the community; but he could not help reminding the House of the great difference that existed in the tone and prayer of those petitioners a few years back, and at the present moment. It would be recollected, that they were the same parties who had, at a former period, in their petitions to that House, complained of the inefficiency of the present law, and of its total inadequacy to give them full protection. It was impossible that the House could forget the effect of what passed in 1822, when the price of corn was 38*s.* per quarter. That was alone the effect of the present system of law; for we had been for five years previous to that period wholly dependent on the supply of this country. He should repeat, therefore, as he trusted he should prove, that there was no inconsistency in acquiescing in the general principle of his hon. friend; at the same time that he denied that the present was the fit moment, under the peculiar circumstances, to adopt a contrary course from that now pursued.

That the present operation of the law could not be permanently made a part of our system, was what he should now proceed to show. In the ports of the Netherlands and of France, corn was sold at one half the price at which it could be purchased in this country. That fact alone was sufficient to warrant the conclusion, that such a relation of circumstances, connected with a state of prices here, could not be permanent, as respected our system. We were now, it was to be considered, in the tenth year of a general peace in Europe, and such was the state of circumstances, regarding an article of such immediate necessity in a commercial and manufacturing country. Now, if such an important fact ought not to be lost sight of, which he contended it ought not, he had to press upon the consideration of the House another, entitled to almost equal consideration. Great Britain had, for forty years successively, allowed a free trade in corn with the continent, annually, more or less. For the last six years, that supply had been cut off. The very existence of such a state of things must, in the judgment of every dispassionate man, at once indicate the difficulties which presented themselves, when called upon for an immediate revision of our system. The natural consequence of that interruption which had taken place in our intercourse with the corn-growing countries of Europe, was a great accumulation of that article in those places from whence we were wont to receive our foreign supply. To this was to be added, that since we had ceased to import corn, our harvests at home had been more than usually productive; and he believed the same might be said of the other corn countries of Europe. What then must be the result of such a state of things, but that a great increase of corn must have existed in those markets, and no vent for it in any quarter of the world? For Spain and Portugal, imitating our prohibitory system, had also interrupted the usual vent of supplies from the north of Europe. His hon. friend, the member for Bridgenorth, had adverted to the returns of prices made by our consuls in those ports from whence this country was in the habit of taking her foreign supplies of corn. Now, he could take upon himself to say, without fear of contradiction, that in many places the present price was not more than one half, in others one third, and in some one fourth of the average prices before the interruption of the continental corn trade with England. The House would consider what had been the average selling price preceding this change in the corn trade of this country. He thought he was not travelling widely into the proscribed field of political economy, when he argued, that the difference between the selling price now, and the average price when an uninterrupted intercourse existed between this country and the continent, was mainly a loss to the corn-grower in the latter. The average price at the port of Dantzic had been 45*s.* and a fraction per quarter. We were not, therefore, at liberty to argue, from the present prices in the markets of the corn-growing countries of the continent, what the price would be if that intercourse, which had existed for forty years, had not been interrupted, or what it would be, if that intercourse was renewed. Let him be allowed to put it to the noble lord who spoke last, indeed to any hon. member of that House, whether, after having granted to Ireland an uninterrupted trade in grain with this country, and, by that trade, having encouraged her to increase her agricultural exertions, we were suddenly to shift our policy, and put an end to that intercourse, any man, under such circumstances, would maintain that the ruinous depression and fall of prices, which such a policy must produce, ought to be considered a fair price for corn raised under such unexpected circumstances of discouragement? A similar effect must have been produced in the corn-growing countries on the continent, from whence we were wont to draw our supplies. He did not say this out of any particular feeling of compassion for the holders of corn in foreign ports, but merely to point out to the attention of the House, that when we came to consider of any permanent measure for regulating the importation of corn, we should look rather at the cost of producing it in the countries where it was now so cheap, than at the price which it might bring to the grower after so long an interruption of his exports. Another view of the question was, that some of the countries from which we had formerly imported grain, having no other vent for their surplus produce but what our wants under particular circumstances might create, would discontinue to grow corn, and employ their lands to some more profitable purpose; and that thus the surplus in the market would remedy itself. This was an important feature in the case, when they came to look at the question in another light. The truth was, that already these countries had ceased to grow corn to the extent which they did heretofore, when the consumption of England was opened to their supply. His hon. friend had communicated to the House the contents of letters that he had received from certain corn-growers in Poland; and in support of his statement, he would add, that he did believe, that what was stated, as to circumstances in Poland, applied generally to other countries, from which we were in the habit of receiving supplies: growers of corn turned their capital and attention to the rearing of numerous flocks of sheep. And here he begged to state a circumstance to illustrate how the interruption in any one branch or article of trade tended to affect most sensibly our general commercial system. He alluded to the tax on foreign wool, which he was ready to acknowledge he had supported some few years ago. The consequence of that imposition, by the exclusion from our market, was a depression in the value of low-priced wool on the continent. Extensive manufactures in Silesia, and other parts of Germany, immediately followed that depression, and operated as a relief. The result, as affecting our trade, was, that the foreign manufacturers were able to undersell us in that article, and had, in a great degree, excluded us from the markets of the United States, and in South America. Mark what followed the repeal of that tax. The price of foreign wool, in consequence of our demand, rose in the markets of the continent from 23 to 32 florins. The manufacturers of Silesia and Germany were no longer able to undersell us; while our woollen manufacture resumed and continued its former flourishing state [hear, hear!].

He did not wish, for reasons which the House would understand, to enter at present more fully into the illustration of those effects. The state of things that he had mentioned accounted for the difficulties which now presented themselves, to any immediate change. Looking at those difficulties with the strongest conviction of the necessity of a revision of the Corn laws, he still feared to precipitate any alteration, lest it should have the effect of disgusting the people of this country against that system which he hoped to see yet accomplished, of a free trade in corn, under proper and due protection. That a revision of those laws, and the settlement of a permanent system must eventually be accomplished, was what he presumed few gentlemen in that House would deny. It was impossible to expect that this system of alternate monopoly and free trade could be maintained, opposed as inadequate, as it had been at one time, by those whose interest it affected to uphold, and at another period, by other great interests of this country. The question, then, under existing circumstances was, to ascertain what was to be done at present. To those who thought that prohibition, to a certain price, and free trade after that price, was a good system, he would say, as his hon. friend, the member for Suffolk, did say, "Your price of exclusion was far too large." And here he must be allowed to say, that the best answer to the charges made against the landed interest, was given in the declaration of his hon. friend—a declaration to which he had listened with peculiar pleasure, and which averred that, what with the diminished burthens of the country, and the altered value of the currency, his hon. friend considered 60*s.* as a maximum, which gave a sufficient protection to the home-grower. Now, when 80*s.* was considered the protecting duty in 1815, and when he heard from his hon. friend the admission he had stated, he felt that both the fact in the one case, and the admission in the other, was an answer to those petitioners who deprecated any change, and that the period for a permanent arrangement could not be far distant.

But, there was another mode which many hon. members supported in that House. That was, to open the ports, immediately, under such a protecting duty as was calculated to uphold the fair competition of our own grower. He would ask the House to consider how, under the existing circumstances, either of these two courses might probably operate. If the ports were to be opened suddenly to the admission of foreign corn, whilst the great accumulation which now existed in the foreign ports continued, what its effect would be on some of the great interests of this country, he would not anticipate. If that evil was to be met by a protecting duty, the difficulty—and a great one it would be—was, in any permanent arrangement, to square that duty with the existing glut that was acknowledged to exist in the foreign corn countries. He saw no other mode of avoiding the evil, unless by a graduated scale. These considerations showed the difficulties with which the question was surrounded at the present time; and which could not be expected to embarrass it at another period. The circumstances of the present day, which prevented an attempt to alter the Corn laws, were so forcibly alluded to in the Report of the committee of 1821 that he was induced to trouble the House with the extract. After suggesting the propriety of a trade in corn, open to all nations in the world, subject only to a fair protecting duty, the committee proceeded to say:

"In suggesting this change of system for further consideration, as a possible improvement of the Corn laws at some future time, the committee are fully aware of the unfitness of the present moment for attempting such a change, when, owing to the general abundance of the late harvests in Europe, and to the markets of this country having been shut against foreign corn for near thirty months, a great accumulation has taken place in the shipping ports on the continent, and in the warehouses of foreign corn in this country; and when that accumulation, from want of any vent, is held at very low prices, and might tend still further to depress the overstocked markets of this country, if allowed to be introduced at this period, except at such a high rate of duty as it would be inexpedient to attempt, and moreover very difficult to determine. The present market-price of the corn thus accumulated is not the measure of the cost at which it has been produced, or of the rate at which it can be afforded by the foreign grower, but, the result of a general glut of the article, of a long want of demand, and of extreme distress and heavy loss on the part of those by whom it has been raised, and of those by whom it is now held either in the warehouses of the continent or of this country."

It was here evident, that the difficulties which at present existed were fully contemplated by the committee four years ago. He would, however, repeat, that the present system could not, in the nature of things, remain permanent. The act of 1815 was passed under circumstances very different from those which now existed. We were at the time shut out from many ports of Europe, and at war with America; and it was introduced when the currency of the country suffered under a depreciation of between 20 and 30 per cent. Indeed, when the last legislative enactment as to this system was introduced by the late lord Londonderry, he unequivocally avowed, that it was a measure of a temporary nature, introduced to meet the existing difficulties of the agricultural interest. It was not, therefore, a just assumption to allege that we were not now or hereafter at liberty to enter on a fair revision. He would say, fruther, that after what had been admitted, so much to his credit, by his hon. friend, the member for Suffolk, combined with the notoriety of the diminished burthens and the increased consumption of this country, it was impossible that a revision of the system of our Corn laws should not be a subject which that House must, at no distant period, enter upon. Whether the causes which have led to the difficulties of an immediate revision might, or might not, in the interval between the present and the next session, be removed, though it was to be expected that that accumulation in the markets of the continent must be diminished, it was not in the power of any man to anticipate. But, he was ready to avow, that even if it was not likely that the evils which our own system of law had produced, and which evils he believed would be aggravated by any precipitate interposition at this moment, beginning at an early period of the next session, and getting the fullest information, he would then be prepared to grapple with those difficulties, and to apply, what he trusted would prove, an adequate remedy, without injury to the general interests of the country. It was to be presumed, that that artificial mound which had accumulated in the foreign corn countries, in consequence of our own system, would be in some degree diminished—that that accumulation which would swamp us, if we had now recourse to a precipitate change, could only be obviated by a gradual process. He did not feel a doubt but that such a remedy could be applied. Difficulties he was prepared to expect; but they were not such as, in his opinion, might not be overcome. Looking back to another great measure—he meant the law for regulating the currency of the country, against which insuperable difficulties were supposed to exist—he remembered what had been observed by the hon. member for Taunton, that those seeming difficulties should not deter the legislature from coming back to the sound principles of political economy. That great measure was carried, and the result had fully justified the wisdom which dictated its enactment. So he trusted it would be found with the present question. He should, in the next session, be prepared to concur in some measure which would fix the duty at a certain rate to be gradually reduced, so as that the supply from foreign countries might, by degrees, come to its fair level. He believed it was the intention of the legislature in 1821, to give to the British farmer a monopoly of the home market, for a certain period, in order to redeem the great losses he had sustained; but, by the commencement of next session, that period would have been sufficiently extended. He could not believe the stock on hand at home to be very great. Indeed, the high price at this season, induced him to think, that the supply was little if any thing beyond the demand; and it was not at all improbable, that, before the 15th of August next, if the Corn laws were allowed to remain in their present state, we might have the whole of the foreign markets pouring in their accumulations upon us. This was a circumstance which, for the sake of the country, ought to be guarded against. He would therefore take an early opportunity of submitting a proposition to the House, of opening the stores here, and admitting the bonded corn into the market; and after the admission of the hon. member for Suffolk, that 60*s.* would be a fair remuneration to the farmer, he thought that to this proposition there could be no objection. He could not look at the possibility of having the ports thrown open on the 15th of August to the glut in the foreign market, without feelings of apprehension as to the consequences—not as it might affect the owners of corn here, but as to its operation on the public in general; and if he could so arrange as to keep the price below that which would admit foreign corn, without keeping it too low, he thought he should be performing a great service to the country. The quantity of foreign corn at present in bond in this country was not so great as was imagined. It was estimated at 394,000 quarters of wheat, and a very small quantity of other kinds of grain. He was sure that if any hon. gentleman were to object to the admission of this corn, which was calculated to release a capital that had been so long locked up, he must take a very different view of this question, from that which presented itself to his mind. It was not from any feeling of regard to the owners of the corn that he made this statement. They had speculated in the article, and must stand by the consequences of their speculation. They might have made a vast profit out of it; as things had turned out, they had sustained a loss. Considering, therefore, the charges which the parties had already paid upon this corn, and the loss which they had sustained, not only in being deprived of all interest on the capital which had been locked up by it, but also in being deprived of the use of that capital itself, he was sure that if they were now allowed to sell that corn at 80*s.* per quarter, they would be losers by such a procedure. The proposal which he should hereafter make to the House would be this—that the corn now in bond should come out at 70*s.* per quarter. Now, the averages at the end of March, before this question began to be agitated, were 69*s.* per quarter, and before this time would have reached 70*s.* per quarter, had it not been for its agitation. He thought, that when the price of corn reached that sum, the House would not object to the admission of bonded corn into the market, on payment of a duty of 8*s.* or 10*s.* per quarter, especially as it would still leave the owners of it liable to a very considerable loss. They would not be at liberty to take it out of bond all at once; but as four months must elapse before the commencement of the next harvest, they would be at liberty to take it out in four quarterly portions, provided that if the whole of it were not withdrawn by the 15th of next August, the owners of it should be liable to all the conditions upon which it was originally imported. He thought that by such a system the country would be saved from that revulsion which might otherwise take place, if a large importation of foreign corn should take place before the month of August next ensuing. Another advantage which would arise from it would be this—that much of the accumulated corn in this country would be disposed of before the arival of the period when the Corn laws must come under the revision of parliament. He therefore thought that there could be no rational objection to the details of the measure which he had just mentioned. He should bring it forward on an early day, and he trusted that he should then be able to convince the House, that a duty of 8*s.* or 10*s.* per quarter would be quite sufficient for the protection of the interests of all parties concerned in this great question.

The House would not, he was sure, expect him to go at any length into the statement of the hon. member for Bridgenorth, nor to enter upon the view which he took of the proper course to be adopted upon this subject. The reasons why such a mode of proceeding would be highly impolitic were so obvious, that he deemed it unnecessary to recapitulate them. He could not, however, refrain from dissenting from the language which had fallen from his hon. friend the member for Suffolk, who had modestly asked, "Why not let well alone?" "The present law," his hon. friend said, "worked well." Now, he had always understood, that the great *desideratum* in this important question was, to provide for a steadiness of price, and to guard against excessive fluctuations, in it from the vicissitudes of trade. How did the present law provide for these ends? By limiting the markets from which we drew our supplies—by destroying the vent which we should otherwise have for our produce, whenever we were blessed with a superabundant harvest—and by exposing us to an alternate fluctuation of high and of low prices. To say of a system which affected the price of labour and the comforts of the labourer, and which cramped the resources, not only of the manufacturer, but also of the farmer himself—to say of such a system, that it worked well, was so completely refuted by the report of 1821, that he was surprised that any man should be bold enough to make it. What did they think of its working well in 1822, when corn was as low as 38*s.* per quarter? [hear, hear]—when gentlemen came down to the House nightly to talk deliberately of a national bankruptcy, and to propose the most extraordinary changes in the currency? At the present moment it might work well; but, had the country gentlemen forgotten their own misfortunes, their former predictions of ruin to the country,—nay their repeated requests that this system, which now worked so well, should be instantly altered? Within two years and a half, the price of corn had varied from 112*s.* to 38*s.* per quarter. Such a fluctuation in price deprived the business of the farmer of all security, and converted it into a business of mere gambling. The bubbles in the shares of mines could not produce more gambling than that to which such fluctuations must necessarily lead. The man who engaged in a long lease, could not at present be aware of the conditions upon which he was taking it, or of the results which it might produce upon his family arrangements. But, this was not the only inconvenience of the system. Look at the situation in which we were placed, when a bad harvest made it necessary for us to go to the foreign markets. The price of corn immediately advanced there. The foreign government, seeing our demand for it, laid a tax upon the article: this further increased the price; and the result was, that our exchanges would be suddenly altered, and we should obtain the supply we required under the greatest possible disadvantages. Let the House only suppose (which was not impossible, though he hoped it would not occur) that the crops failed this next harvest; it would be October before this was known; and, was that a period of the year at which we could be sure of getting supplies from the northen parts of Europe? Cheap shipping could not then be had; navigation might even be impossible; and we should be exposed, during the rigours of winter, to have the price at the famine level. In spring, when communication was easy, and shipping comparatively cheap, there would be a great depression, from the opening of the ports. Was the possibility of this satisfactory? He had heard it said, and by gentlemen who had reflected on the subject, that if we had great fluctuations, there was in these fluctuations a fair average price. A fair average price! He wondered what this phrase meant, when applied to the provisions of the people. He should like to know how any gentleman who was accustomed to eat a good dinner every day, would like to be kept one week without food, and to be supplied the next with twice as much as he wanted. Would he feel satisfied at being told, that he had got a fair average quantity of provisions for each day in the two weeks? He thought that the gentleman would not be satisfied—that he would find such an averaging system to be neither wholesome to his constitution, nor pleasant to his stomach [hear, hear].

But, it was said, that to withdraw our protection from the manufactures of the country, and to continue it to the growers of corn, was acting upon an erroneous system. He denied this position entirely, and contended, that reasoning from analogy in a case like the present must necessarily lead to an erroneous conclusion. In the first place, we could manufacture cheaper than every other country; but every other country could grow corn cheaper than we could. In the next, we exported to the amount of thirty millions of cottons annually, and not thirty bushels of corn. Then there was no accumulation of cottons on the continent; but there was an accumulation of corn. When there was an accumulation of cotton, the manufacturer could contract his supply; but, could a similar measure be adopted by the agriculturist, when there was an accumulation of corn?

Beside these considerations, there were several others, applying to agriculture, and not to manufactures, which were sufficient to convince any impartial man, that the argument founded upon this analogy was any thing but logical. He was not one of those who wished to lessen the rank which the agriculturists held in the country. To be admitted into that class, ought to be the ambition of every man who, by his industry and his talents, had acquired a fortune for his family. He was quite willing, seeing that the rents had already adjusted themselves to the alteration in the currency, and to the improved condition of the country, to say, that he was ready to give any protection to the agricultural interest, which would obviate the necessity of any reduction in the relative situation which it now held, with regard to the rest of the community. Still, it was quite evident that there must be some limit at which foreign corn must be admitted into the country. The difficulty—and it was a difficulty which required all the vigour and attention of government—was, to see at what point the price of labour was likely to produce such a diminution of profit and of capital to the manufacturer, as to compel him to seek protection in a foreign state. Capital and skill could not be compelled to remain in this country—they were certain to emigrate, if they were impeded by burthens which they were unable to bear; it was therefore the duty of the House to watch the effect of the price of labour on the advantages we at present possessed; and, if gentlemen reflected, that it was to the capital and skill which our manufacturers possessed, that the agricultural interest owed its present prosperity, they would see, that if their capital and skill was removed from us, the agriculturists, in the long run, must be the greatest sufferers. At this moment America, which procured the raw material more easily than we did, was manufacturing cottons so cheaply as to be driving ours out of the market. At this moment American cotton goods were on their passage to different ports in the Mediterranean, and were selling there at a price at which we could not afford to furnish them to the consumer. If capital had not a fair remuneration here, it would seek for it in America. To give it a fair remuneration, the price of labour must be kept down; for if it were not kept down, the distress it would occasion to the manufacturer would soon revert with tenfold force upon the agriculturist. The hon. member for Suffolk had stated, the other night, and almost as if it had been a reproach to them, that the workmen of London had roast beef and plum-pudding on Saturday, Sunday, Monday, and Tuesday. He did not mean to assert that they had it not, and he had little doubt that they were accustomed to wash such dainties down by large draughts of the ancient and constitutional beverage of the nation, beer. Now, he would wish the hon. member, the next time he presided at the Farmer's Club, to ask the members of it, whence came the roast beef, the plum-pudding, and the beer, on which the workmen banquetted? The answer must be, that they were all the production of the country; and that being the case, he would ask, what would be the condition of those who produced these articles, if the workmen could not procure money to purchase them? Agriculture could not flourish, unless all other classes in the country were in a state of prosperity. Commerce and manufactures could not sustain themselves here, if they met with greater advantages in other countries. The profits now derived from them were smaller than they had been at any former period; and any thing which tended to increase them would be productive of great benefit. He mentioned this circumstance to prove, that it would be necessary to enter at a future time upon the revision of the Corn laws; though he maintained, as he had before done, that the present was not the moment for commencing it. We had done a great deal already to promote the freedom of trade; but every thing could not be done at once. We had allowed the importation of wool, of iron, and of various articles which had formerly been prohibited; and the effect of that measure had been to produce a large importation of the prohibited articles. Some difficulty might arise, if we proceeded too far in such a system; and it was therefore prudent to wait awhile where we now were, to see whether such difficulty would arise; and if it did arise, how it was to be obviated.

There were other considerations which deserved the notice of government. We knew that several foreign countries were in some distress, owing to our exclusion of their corn, and that they had in revenge, shut out our manufactures. It might be worth while to consider, whether we did not hold in our hands at present the key for solving this difficulty—whether, to those who excluded our colonial produce and our manufactures, we had not a right to say, "We will not admit you to the benefit of a free trade in corn, unless you will at the same time admit the free introduction of our manufactures?" This was one of the principal reasons why he thought that this question might be permitted to stand over to a more convenient period. He was aware of the responsibility which was incurred by ministers in general, and by himself in particular, in recommending to parliament not to legislate on this subject at present. Circumstances might arise beyond the reach of human thought, which, by their effects and consequences, might induce him to regret that he had offered such a recommendation. The risks arising out of such circumstances were not, however, faults of his creation, but faults of the existing system. He was not shutting his eyes against them, but was judging from all the circumstances of the case, when he said that, at present, he thought it right to postpone the discussion of the Corn laws to another session. He complained of the excessive speculation which was now going forward, not only in shares and companies, but also in foreign merchandise. Such speculation was the offspring of unnatural excitement; and, in the body mercantile, as well as in the body physical, such excitement was generally followed by depression and exhaustion. He called upon those who, to a certain degree, were the controllers of the currency, to watch with care and diligence over the foreign exchanges; and implored the country banks not to lend their money to the encouragement of crude and hasty speculations. One of his great reasons for not wishing to let the Corn laws loose at present, was the spirit of excessive speculation which was now so prevalent. It had already deranged the foreign exchanges, and he wished not to derange them further by opening the door to similar speculation in foreign corn. The right hon. gentleman, after shortly recapitulating his former arguments, sat down amid considerable cheering.

Mr. *Baring* began by observing, that if there was so much evil in the present system of our Corn laws, the right hon. gentleman was partly to blame for it. He had protested against that system on its first creation in 1815, when the right hon. gentleman was found among its foremost supporters. What the House had heard that night from the right hon. gentleman, was new thunder, which he had got up for the occasion. They had heard the most portentous consequences predicted to the manufacturing and to the agricultural interest by the right hon. gentleman, in case there were not some alterations speedily made in the Corn laws; and yet, though it was material, if any alterations were to be made in them, that the mind of the country should be directed to those alterations, not a single intelligible word had been uttered regarding their nature or their intent. Without this it was not possible for the landed interest, or any other interest, to know how to make its contracts while there was uncertainty on this important question. If any one thing more than another ought to induce the House to require that the question should be at once set at rest, it was the speech of the right hon. gentleman. He perfectly agreed in all the statements which the right hon. gentleman had made of the danger that existed from the disproportionate price of food in this country, as compared with the price of food in other countries; and it was because he was perfectly satisfied of the existence of such a danger, that he was anxious this important subject should be mooted and determined upon at a period when we were in a state of calmness and tranquillity that would allow of its being deliberately considered. He confessed that he was quite at a loss to guess, and he imagined that other hon. gentlemen must also be at a loss to guess, from the speech of the right hon. gentleman, what it was in the mind of government to do upon this subject in the next session of parliament. But, if members of that House, who had heard the right hon. gentleman's speech, were in that condition of ignorance, what must be the ignorance of their constituents?—and what would the representatives of counties be able to say to their constituents, when they were asked, what government meant to do with respect to the Corn laws? He would defy those constituents, if every word of the right hon. gentleman's speech were accurately reported, to conjecture what it was that was likely to be proposed.—He perfectly agreed with the right hon. gentleman, that the landed proprietors had a right to protection, and in addition to the claims which had been described by the right hon. gentleman, that they had a right to protection in consequence of having so long had protection afforded them. Nothing could be more unjust than to let them down all at once. At the same time, the amount of protection must have a limit, and that for their own advantage; for, if a time should arrive, at which the artificial industry of the country might become unable to bear the burthen of the protection afforded by the legislature to agriculture, the distress—although in the first instance it would affect the manufacturer and the merchant—would ultimately fall with tenfold weight on the agriculturist. If it was true, which he believed it was, that the inhabitants of England paid twice as much as those of France for their food, he should like to know what it was that enabled them to support that additional expense? Was it not the produce of their artificial industry? As soon as that was stopped, millions of paupers would be thrown upon the country, and the land would be burthened for their support and subsistence. All classes of the community had a common interest in maintaining the prosperity of the manufactures of the country. Distress might fall upon the manufacturers at first; but, it was certain not to be long in pressing on the steps of the agriculturist. Desirous as he was of giving adequate protection to the manufacturer, he was not willing to draw it hastily from the agriculturist Such a change in the agricultural system would be pregnant with danger to the system, and therefore he deprecated it. He really saw no chance of their adjusting this system even next year; according to the course which his right hon. friend had laid down for his guidance. It was true that America was making great exertions in manufactures. This was a circumstance well worthy of the most serious consideration. If, in consequence of the growth of manufactures there, and in other parts of the world, the great mass of our manufacturing industry should be seriously affected, the necessary consequence would be, to throw the manufacturers as paupers on the land. They had all, therefore, a common interest in the maintenance of industry. The ruin of it would fall more fatally on the land, than any where else. Short of risking all other branches of industry, he would go great lengths in the protection of the landed interest. All existing leases, agreements, mortgages, and settlements, had been entered into under something similar to the present system of things; and he did not therefore see how they could do without some sort of protection. It would be impossible otherwise to realize the views which his right hon. friend professed, with respect to the landed interest. The only reason he heard stated for postponing the consideration of this subject was, the great accumulation of corn in foreign ports. This, however, was the case in 1821 also; for the right hon. gentleman, in his own report, stated this as a reason for not recommending the system as a permanent one. What chance was there that this accumulation would cease next year? It was admitted that France, Holland, and other countries had, until lately, adopted measures of restriction. The argument of the right hon. gentleman would therefore go for nothing, unless he proved that these countries were ready to depart from these restrictions. Unless this were the case there was nothing to prevent the great warehouses of Dantzic from being opened again next year. Was it not possible that other changes might take place before the next year? It would, in his opinion, be far the better plan to impose a system of duty, regulating the degree of protection intended to be given to the agricultural interest. This would, in his opinion, be the better plan of proceeding; and he was borne out in this idea by the instance given by the right hon. gentleman of what happened from the importation of oats; namely, that it had the effect of reducing the price in our markets. This he admitted; but, it should be recollected, that this importation, small as it was, swept away the accumulation of oats in those countries from which the article was imported. It was the result of his serious reflection, that if the present system was persevered in until next year, no man of landed property could say what that property was worth, or reckon with the least confidence upon its value next year. The right hon. gentleman proposed to let into the market the corn which was in bond, for the purpose of affording relief to the country; and he also stated to the House, the terms upon which he was ready to let this corn in. Now, he saw no reason why the holders of this corn, who were mostly foreigners (though this made no difference in his argument), should be afforded the enjoyment of such a boon. What was the situation of the persons who were the owners of this corn? Let the House see what the right hon. gentleman was giving them, by his proposed regulation. They had in their possession 400,000 quarters of wheat, said to have been in bond these six years. The arrangement was not assented to by the right hon. gentleman for the purpose of conferring an advantage upon those individuals: The plan was to be carried into execution for the general benefit of the country. Why should those gentlemen receive a benefit? They have received no injury.—The object of the regulation should be, as far as it regarded them, to give them the option of coming to market with this wheat, if they themselves pleased. The holders of these 400,000 quarters could now purchase wheat at Dantzic for 28*s.* per quarter. They could therefore replace, if they were so disposed, their bonded corn at 28*s.* and sell it in our markets for 80*s.* An intelligent dealer had informed him, that some samples of this corn would go as high as 86*s.*; and thus it was evident, that the wheat, by being bonded for five or six years, was rendered more valuable to the proprietor. If, therefore, the present holders disposed of a certain quantity of wheat at 80*s.* or 86*s.* which they could replace at 28*s.* without duty, their profit upon the transaction would be nearly a million of money, and it would amount to 800,000*l.* with the duty. He did not see why a bounty of 10*s.* should be given to the holder of this corn; or why it should be added to the price paid by the consumer. He would rather it went to the Exchequer than to these persons. He was ready to admit they should have a temptation to bring in their corn; but a bounty of 5*s.* or 6*s.* a quarter was sufficient. He was sure that, upon reflection, the right hon. gentleman would come to the conclusion, that if he gave 8*s.* or 10*s.* per quarter, he would be making a bad bargain for the public. In the statement made respecting the protection to be given to the agricultural interest, he was disposed to agree with the hon. member for Suffolk, who had mentioned 60*s.*; perhaps under. He was very far from wishing the protection to be withdrawn, from the agricultural interest, unless a much stronger case was made out by the opposite party. In the consideration of this question he had always hoped,—he had always relied upon it—that the gentlemen of landed property in the country, at least those who understood their interest, would call for the reduction of the protection to as low a scale as possible. He called upon all hon. members—those who feared the measure, and those who did not—to resist the postponement of it and settle it at once by their votes of that night. It was impossible for them to leave their constituents in the present state of uncertainty, caused by the notice they had heard given by the right hon. gentleman opposite, and which had placed the possessors of landed property in a state of ferment. They all knew the importance attached to the declaration of a minister. It was, to be sure, true in theory, that they were all equal in power, and independent of each other; but it should be recollected, that the declaration of a cabinet minister was widely different from the skirmishing of an ordinary member. He did not understand what the right hon. gentleman intended next year; but it was impossible to leave the country with safety in its present state of uncertainty. He was well aware of its real situation. He spent much of his time in the country, and had frequent discussions upon the subject. And here he could not refrain from alluding to the state of the parliament. It was now waxing old; and he did not know whether the question was to be discussed next year by this parliament, or by a new one. Of this he was sure, that a parliament upon its death-bed was not the best for making arrangements respecting the Corn laws. If, upon the other hand, a new parliament was to be elected during the summer, what a situation the country would be in! What a scene would be exhibited amidst the conflicts of the landed and agricultural interests! What various pledges would be required upon both sides! He was decidedly of opinion, that the present was the most favourable time for the settlement of the question. The parliament and the country were in a state of good humour with each other; and the subject would receive a much more satisfactory discussion now than at any other period. He would add one word more. He did not see how any difficulty would arise from the state of the currency, and the nature of the various speculations upon the subject. These circumstances, he thought, could not operate, for the right hon. gentleman would state when his system was to begin, and fix any period he might think proper. Whatever laws might be passed upon the subject, it was, he thought, utterly impossible to leave the country in its present state of uncertainty.

Mr. *Philips* was proceeding to offer to the House his sentiments; but cries of "Question! question! adjourn! adjourn!" were so loud and incessant, that the hon. gentleman sat down.

Colonel *Wood* said, he would trouble the House with a very few words on the subject. Both the hon. mover and the right hon. gentleman had argued the question, as if the existing system was attributable to the act of 1815. Now, it had nothing to do with that act. The present system, under which foreign corn was totally excluded, when corn was below a certain price in this country, was the consequence of the report of the committee of 1822. That when corn was at 80*s.* the ports should open with a duty of 17*s.*, and continue open until the price was reduced to 70*s.*, was, in his opinion, a sound system, and one by no means deserving of the odium which the hon. mover had cast upon it. He was quite averse to a permanent duty, and would much rather that the ports should open at 70*s.* or 65*s.*, with a duty of 17*s.*; for he was sure that no permanent duty, sufficient for the protection of agriculture in ordinary cases, could be kept on, when corn was at a great price. The fraudulent practice of returning fictitious averages ought not to be laid upon the present system. If a plan could be proposed, which would render the importation price at 80*s.*, with a duty of 17*s.*, he should consider this as a sound and beneficial measure.

Lord *Althorpe* thought, that if the question were to remain until next session undecided, it would be a serious evil; and that if the government intended to revise the laws, it was their bounden duty to do it now. The great object acknowledged by all the advocates of the corn system, was to have a steady price, but it was impossible, with the uncertainty of seasons, to have any consistent or permanent price under the present laws. The government had given no reason for not submitting a motion upon the subject during the present session. The right hon.gentleman had said, that it was unreasonable to call upon ministers to explain measures of which they had not given any notice; but equally unreasonable was it for the government to admit, that they contemplated a great and radical change in an important question, and to be wholly silent on the means by which they intended to effect it. He approved of the course taken by the hon. member who had introduced this motion, because he thought it calculated to correct the existing fluctuation in the market, which was productive of great injury and inconvenience.

Mr. *Stuart Wortley* concurred in the view taken by the hon. mover, who should have his vote if he pressed the question to a division. At the same time, he hoped the hon. gentleman would not press the motion so far, after what had passed in the course of the debate. He entreated the government to pledge themselves to an early consideration of the whole question, at the beginning of next session; for, until that took place, there would be no comfort for the landed interest.

Mr. *Wodehouse* said, that he had always supported the average system, from his conviction of its being the best. He admitted that the present mode of collecting the averages was susceptible of great improvement; and he wished an inquiry into it to take place in a spirit of fairness. When he said this, he must at the same time protest against the mischievous fallacy of forming an estimate (as had been done) on the prices at Dantzic, where, for a series of 49 years, which were averaged, they had been found to be at 45*s.* a quarter. Ought they not to bear in mind, that during that period, all the governments of Europe were in the foreign market, for rations, often for a million of men, with an immense forage for cavalry? It was a mischievous perversion to draw an analogy from such a period, to govern them in a time of profound peace.

Mr. *Calcraft* regretted exceedingly that the government had not taken a more decided course on the present occasion. The speech of the right hon. gentleman was, from its vague nature, calculated to excite the greatest alarm throughout the country; for it recommended the postponement from favourable, possibly to unfavourable times, of a question which could never be better discussed than at the present moment. He should entreat his hon. friend, when things were left in this state to press his motion to a division, unless the government pledged themselves to take up the subject immediately. He was aware that those who thought with him would be left in a minority; but, he was too much accustomed to that to be disheartened, and he knew that even minorities sometimes worked extraordinary changes in the conduct of government. As to the question at issue, he confessed that he thought 80*s.* was too high a price, and 60*s.* too low, and he preferred the medium price of 72*s.*, which he had recommended in the year 1815. With respect to what was alleged of the existence of alarm, all he should say was, that he had not heard of any until that evening: on the contrary, they had been told that all the interests of the country were going on in a train of unmixed satisfaction. He was quite aware of the frauds in the averages; but still, the system on which the averages were founded had worked well for the country. As to the inequality of the price, that must always recur, unless they could command the seasons. There ought to be no separate interest between the agriculturist and the manufacturer. The latter was the best customer for the land; but, was not the former, in his turn, the great consumer in the home trade? The time had arrived, he thought, for settling this question; not, indeed, permanently, for that was impossible, but upon a fair estimate of the relative interests of the country. Whether they adopted a protecting duty, or lowered the import price, with a correct system of averages, was a point to be considered. He should himself be satisfied with the latter. They must do something; for the obscurity of the right hon. gentleman's speech, in which he forgot the discretion of a cabinet minister, who could not, like a plain member, sport with opinions in the House, left the matter in a state which was likely to create great embarrassment throughout the country.

The *Chancellor of the Exchequer* insisted, that it was the hon. gentlemen opposite who were to blame, and not his right hon. friend, if uneasiness followed the agitation of a question which they had themselves prematurely forced into discussion, although the hon. member who had last spoken had admitted that the existing system had worked well for the last six years. Had the government taken up the question of the Corn laws in the present session, they would, from the very nature of the subject, and its probable operation upon other matters connected with the affairs of the country, have been disabled from introducing and perfecting those other measures, which were universally acknowledged to be of the most beneficial tendency to all classes of the people. This was, he thought, an answer to that branch of the argument. He acknowledged that he had been a party to the corn bill of 1815 which he had opposed in 1821. The reasons were, that the intervening years had produced results upon which no human wisdom could have calculated; and he had discovered, with many others, that the course of events was beyond parliamentary control. He had, then, no difficulty in retracting opinions, which experience proved to have been founded in error. He could not allow that government was now to blame, or that it was bound to take this question up, because, against its inclination, it had been brought into discussion. And, as to the rebuke of the hon. member for Wareham, certainly government would have more justly merited, and more surely have incurred his ridicule, by proposing to bring forward any measure in the next session of parliament. The government ought not to be goaded on to the carrying of this measure. He would admit that the feeling of the country ought not to be disregarded, yet the government was not to be forced to the completion of the measure, until the time arrived when a project of so delicate a description could be effected with general satisfaction. He did not think the present time to be the period when that ought to take place; and he therefore found it his duty to oppose the motion.

Mr. *Bright* complained that the government had not determined to take up the consideration of this question during the present session. He was the representative of a large city, and was anxious to protect the interests of his constituents. Therefore it was, that he wished for an alteration now. In the changes of our commercial regulations, the article of corn should have been first noticed. He hoped, therefore, that his majesty's ministers would be compelled to take up the subject before the close of the present session. [Cries of Question! Adjourn! No, no!]

Colonel *Johnson* moved an adjournment of the question to this day week, in consequence of the great anxiety which it had created throughout the country.

Mr. *Peel* said, that the better plan, to avoid anxiety, would be to go on. The division would best tell the opinion of the House. The proposed course would certainly be very inconvenient, and could give no satisfaction. If the House thought proper to continue the discussion, it were better to proceed, and allay, by its decision, the anxiety so much talked of.

Mr. *T. Wilson* said, there was urgent reason for deciding upon this question during the present session. Every possible information was now within their reach, why, then, delay the question?

Mr. *Whitmore* said, in reply, that so far from taking any blame to himself for bringing on this question, he was determined to renew it in every sitting of the parliament, until the law should be settled upon a satisfactory foundation.

The adjournment was negatived; and the House divided on Mr. Whitmore's motion: Ayes 47; Noes 187.

List of the Minority.

Althorp, visct.
Baring, A.
Bentinck, lord W.
Bernal, R.
Bright, H.
Buxton, T. F.
Calcraft, J.
Calcraft, J. H.
Calthorpe, hon. F. G.
Calthorpe, A.
Calvert, Ch.
Corbet, Panton
Cradock, col.
Davies, T. H.
Denman, T.
Evans, W.
Glenorchy, lord
Grenfell, P.
Gurney, Hudson
Heron, sir R.
Hobhouse, J. C.
Hume, Joseph
James, W.
Leader, W.
Lester, B. L.
Littleton, E. J.
Maberly, W. L.
Maxwell, J.
Milton, visc.
Monck, J. B.
Nugent, lord
Palmer, C. F.
Philips, G.
Robinson, sir G.
Robarts, A. W.
Robarts, G. J.
Sefton, earl of
Smith, W.
Sykes, D.
Thompson, ald.
Tierney, rt. hon. G.
Williams, J.
Williams, W.
Wilson, T.
Wilson, sir R.
Wood, ald.
Wortley, J. S.

TELLERS.

Gascoyne, I.
Whitmore, W. W.

PAIRED OFF.

Mansfield, John
Pares, T.
Wyvill, M.

HOUSE OF COMMONS.

Friday, April 29.

Combination Laws.] Mr. *Hume* presented a petition from the fustian-cutters of Manchester and its vicinity, on the subject of the Combination Laws, setting forth, that very great benefit had arisen to the trade in general by the repeal of those old oppressive laws, and that a much better understanding between master and man had been established, in consequence, than heretofore; which advantages, however, the petitioners feared would be destroyed in consequence of what had recently been said on the subject, previously to the appointment of the committee to inquire into the effect of such repeal. The hon. gentleman took the opportunity of stating, that much of the present ferment among the men arose from the dread they entertained of some intention on the part of ministers to return to the old laws against combinations. He had the evidence of a master collier in that part of the country, that, but for the recent appointment of the committee in question, the association of Ayr, which had been described in such terrific terms, would have died a natural death. The hon. gentleman then presented a petition from certain individuals of Cromarty, engaged in the Herring fishery, against the Herring and Cod Fishery Company bill; and from Devon, complaining of the enormous price of provisions of all kinds, and expressing a hope that the duties on grain would be reduced to such a standard as would better enable them to afford their labour at the present lowered rate of wages.

Mr. *Maberly* begged to call the attention of the House to a subject which he thought had not been sufficiently attended to by the House, but which was strongly suggested by the last petition. His majesty's ministers had lately adopted a variety of regulations relative to the encouragement and opening of our commerce, and a free trade in our manufactures. The result of all those arrangements would be, to let in the cheap labour of the continent to cope with our cheap labour. But, how could that cheap labour long continue in England, while the prices of food were so excessive as they now were? How was it possible that our manufactures should long be able to contend with the manufactures supplied by the cheaper labour of the continent, while the high duties on imported corn were kept up at their present standard? He maintained, that ministers should have paused before they ventured upon adopting such regulations in respect of our trade and manufactures. They should have considered the Corn laws in the first place; and should now consider them, before they took any other steps in regard to our commerce. If this course were not immediately adopted, some very considerable evil would be sure to follow upon its neglect. The manufacturing gentlemen would soon discover the manufactures of the country not to be in so flourishing a state as they now were. We relied mainly on our skill, indeed; for, as to manual labour, it was obvious that in that we should be competed with. But he would entreat gentlemen not to rely too implicitly even on our skill; for America possessed that quality too; and it was only on the preceding night that a right hon. gentleman had informed the House, that America could compete with our skill in the cotton manufacture. The subject was altogether of the most serious import.

GAME LAWS AMENDMENT BILL.] Mr. Stuart Wortley moved the order of the day for the third reading of this bill.

Sir *John Shelley* said, he thought that this subject had not been very fairly treated on former occasions, either by his hon. friend who had introduced the bill, or the right hon. Secretary of State for the Home Department, who had spoken upon it. The argument which was urged in support of this bill seemed to be two-fold: first, that the existing game laws filled our gaols with criminals; and secondly, that the passing of the bill would do away entirely, or very nearly, with the crimes for which persons offending against such existing laws were now so frequently committed. This he did not believe to be the case. The greatest number confined under the existing laws was 1,200. That was in the years 1818, 1819, and 1820. In his opinion, this was owing, not to the actual system of game laws, but because, at the period alluded to, agriculture was at the lowest state of depression, and many who could not procure employment betook themselves to poaching. The number of those imprisoned for this offence was now reduced to 520. This striking fact enabled him to deny that these laws were impolitic, and had filled the gaols. He objected to the clause in the bill which gave the lords of free warrens and chases a property in them, and enabled them to let or demise these privileges to others. From this and other features in it, he could not help looking at this bill, which professed to be for the advantage of the many against the present restrictions of the few—this popular, this democratic bill, as he might almost term it—as a bill which, in effect, was more ultra-aristocratical than any of the existing game statutes. He would therefore move, by way of amendment, that the bill be read a second time that day six months.

Sir *John Brydges* said, that, having so fully expressed his opinion of this bill, he should now detain the House with only a few observations. None of the alterations in its clauses had operated on his mind to make the measure more palatable; and he continued as much opposed to the principle as ever. And as to the details of the bill, he was sure, if it passed, they would be inoperative. Honourable members argued, that the game laws were productive of much demoralization, and therefore it was requisite that an alteration should be made in them. He had no objection to amend, where amendment was required; but he did object to destroying them; that was, to alter them, so as to make them of a different nature. If a house wanted repairing, he was ready to repair it: if amputation of a limb was necessary, it should be accomplished; but to bring about this object, it was not requisite to destroy the body. He did not mean to say that the hon. member who had brought in this bill was not actuated by the best motives, and was not, in every respect, qualified for the task he had undertaken; but he thought, that though a liberal policy upon all occasions was desirable, yet that we were going too far in attacking institutions, so as fundamentally to destroy them, instead of, by judicious reforms, to improve them. He considered this radical remedy as a relic of the French revolution, the principles of which, upon all occasions, went rather to abolish old institutions altogether, than, by proper amendments, to ameliorate them. He must think that this bill, as it was now offered to the House, was not borne out in its title: that, instead of being denominated "a bill to amend the Laws for the preservation of Game," it should be entitled "a bill to disfranchise a certain order in the state of privileges which they have immemorially possessed, and at the same time to aid the destruction of Game." Believing, then, that this measure was wrong in principle; but, even if it was not so, that it would increase rather than diminish poaching; and thus add to the demoralization of the lower orders, he should give it his decided negative.

Mr. *Cripps* supported the bill. The complaint made against one of its clauses, requiring the poacher to give security for his good conduct before he was liberated from prison was unfounded. It would have the effect of diminishing the number of those who would expose themselves to such a difficulty.

Mr. *J. Douglas* said, he felt an entire confidence that this bill would not pass through parliament; if it did, it would inevitably carry with it the gradual abolition of all sporting.

Mr. *H. Sumner* opposed the bill. By its provisions, the House would only change the denomination of the crime. They would, if the measure succeeded, have the gaols filled with as many thieves as they were previously filled with poachers. He therefore trusted that the bill would be thrown out by a large majority.

Mr. *R. Colborne* observed, that the provisions of the bill diminished, or rather entirely removed, the danger of detection, and provided a certain market for the poacher. As the law at present stood, it favoured an interchange of civilities between the landlord and his tenant: if the latter preserved the game, the former was in the constant habit of presenting him with it in return. But, if this bill should pass, there would be an end to these civilities. His view of the question was, he knew, unpopular; but that circumstance should not deter him from stating it openly. If the measure now introduced would do away with poaching, then he would say, agree to it by all means; but, as he conceived that it would have no such effect, and at the same time that it was calculated to produce various evils, he would oppose it.

Mr. *Tennyson* said, that although he thought it would be more discreet to proceed to the proposed result by a series of measures, whereby the habits and prejudices of the country would be gradually prepared for and accommodated to the projected change of system, yet he was decidedly friendly to that change, and approved the general character of this bill. He entertained objections to some of its provisions, and had urged them in the committee, but they were not such as to prevent his voting for it. The bill proceeded upon just and wholesome principles; it recognized game as a profitable produce of land, and established it as the equal property of the landowner. The hon. gentleman who had just sat down seemed to fear, that by legalizing the sale of game, a wider field would be opened to poachers than at present existed. Now the anxiety which he (Mr. T.) felt on behalf of this measure, was grounded on the conviction that an opposite effect would be produced. He did not know whether the hon. gentleman had perused the evidence taken before the game committee two years ago; if he had, he thought it must have appeared to him, that it was no longer a question whether game should be saleable or not. The efforts made for two or three centuries to prevent the sale of it, had utterly failed. It was at present sold in quantities beyond all former example, and the only question now to be discussed was, whether it should continue to be sold exclusively by the poacher, or whether the law should again sanction the sale by the legal possessor of game, and thus supersede the vocation of a body of men, whom the existing laws had rendered indispensable, as it were, to the wants of the country, who would increase with its increasing wealth, and who, furnishing the supply in breach of the law, were almost necessarily drawn from that class of society, which must likewise obtain it in breach of the law. The sale of game was not an innovation on the law of England. It had been saleable at Common law until the Statute 32 Hen. 8th, but since the prohibition which that statute effected, experience had fully shewn, that, although you may make the sale of game illegal, you cannot prevent the sale where there is an anxious demand on the part of the rich, and the means of supply within reach of the poor. The consequence of so unnatural a law had been, that the lower classes were seduced into habits from which the most mischievous and criminal results had ensued. The object now was, to get rid of the poachers, and as you cannot stifle the demand for game, you must endeavour to supersede him by furnishing the supply from another quarter. For this end, you must not only repeal the laws prohibiting the sale of game, but you must restore the means of obtaining it to the ordinary land-owner, who supplied the market before the prohibition existed. A succession of laws, equally unwise and unreasonable, since the Stat. of Hen. 8th, had gradually deprived him of those means. The right of sporting was now confined chiefly to persons who had 100*l.* a year in land, and they could not employ their servants to kill game for their use upon their own estates. Formerly, all land-owners, and subsequently, all qualified land-owners, had, in common with lords of manors, the right to employ their servants to kill game upon their own land. But the stat. 22 and 23 Charles 2nd having had the effect of preventing all persons, whether lords of manors or simple land-owners, from the exercise of this power, a parliament of queen Anne afterwards restored it, most unjustly, to lords of manors alone, in terms which enabled the lord to qualify his servant even on lands within the manor which did not belong to him, while the owner of those lands could not employ his own servant to shoot there, or do so himself, if he were not qualified under the statute. It was necessary to remove this distinction and not only to empower every land-owner to sport upon his own estate, but to employ his servant to sport there for his use. This was all he should have been disposed to do at present on that branch of the subject. But the bill did more—it removed all disqualification whatsoever. This was one of his objections to it. He had failed in his amendment on this point in the committee, but although he still thought so great a change at once was unnecessary, and by opening the way for idle people to sport on districts unprotected by the owners, was likely to produce considerable inconvenience to the country for some time, until the habit of considering and dealing with game distinctly as property, should gradually displace the loose notions with regard to it which now prevailed, still, he would not on that account, vote against a measure calculated to accomplish so much good in other respects. There was, indeed, no part of the game laws which required more amendment, than that which related to qualification, and independently of any view to the legal sale of game, common sense required that the present inequality amongst land-owners, as to the power of obtaining it, should be immediately removed. Even the qualified owner could obtain no game from his property beyond what he could himself kill. But in a great majority of cases he was under circumstances of disability to obtain any in that way, and thus it was utterly lost to him and became a prey to the lawless, against whom it was not worth his while to protect it. This was the case where the owner was a minor, or a woman, or an aged person, or a person engaged in business, or living at a distance from his property, or no sportsman, or if a sportsman, had no skill as a shooter;—and this must so remain until the owner should be authorized to employ some person to shoot for him, which he had no power to do at present unless he had the manor, whatever might be the extent of his property within it; while, on the other hand, the lord of the manor, who possessed that power, had in many cases little or no property within its boundary. To remedy this particular inconvenience he had introduced a bill three or four years ago, which had been read a second time, and which the more extended projects of immediate emendation in the game laws, opened by other gentlemen at a period when he was unable to attend parliament had alone prevented him from persisting in, as a separate measure. The remedy, however, would be included in the provisions of the bill now before the House. In this bill, too much was perhaps attempted at once, and it might hereafter require correction, but it legalized the sale of game, and re-established the salutary principle of equality as to the power of obtaining and selling it. These objects were consistent with wisdom and justice, and it was important to secure them. If the bill, like one before introduced, had simply engrafted the sale of game on the present system, as the right hon. Secretary for the Home Department had recommended, he must have opposed it, as calculated to vest an odious monopoly in the hands of lords of manors, who were the only persons able to obtain any quantity of game. Besides, the supply of the market would have been deficient, and the aid of the poacher would still have been required, for the nobility and chief gentry of the country would not readily fall into the habit of considering that as matter of profit, which they and their ancestors valued merely as furnishing the means of manly exercise, gentleman-like courtesy, and country hospitality. He had rather the system should remain as it was, than see it so altered. It would be monstrous to recognize game as a saleable and profitable property, and then to confine the profit and sale to the upper class of landowners. He had on that ground opposed the bill introduced by lord Cranbourne two years ago, but the measure now before the House was right in principle, and looking to some corrections in a future session, he should cordially vote for the third reading.

Sir *G. Chetwynd* said, he had taken considerable pains in looking at the statutes on this subject, and he really could not find what acts were and what were not repealed. The indefinite and anomalous character of the measure would, in his view, prevent its ever being carried into effect. He was particularly hostile to the clause, by which, if a warrant were left at the residence of an individual, that individual was to be proceeded against as if he had been personally served, and was taken to be in custody.

Sir *H. Vivian* expressed his hostility to the bill, the provisions of which, he thought, would tend to increase, and not to diminish, the evil. He admitted that it was unjust that a man who possessed 5,000*l.* a year, of a particular species of property, should not be allowed to shoot, while that privilege was granted to a man who owned a freehold of comparatively insignificant value. That part of the system he wished to see corrected: but he could not allow all the existing barriers to be thrown down, and every man admitted to shoot game as he pleased. If it were not for the existing laws, every head of game in Cornwall would be destroyed. There were but few keepers in that county, and the game could not be preserved, if unqualified persons were not rigorously prevented from shooting. The great argument in favour of this bill was, that it would prevent poaching. But those who used it seemed to entertain strong doubts on the subject. If they did not, why should mail-coachmen and guards (who were at present the great agents of the poachers) be prevented under this bill from dealing in game? Suppose a salesman contracted with a farmer for twenty head of partridges per week, might not that farmer send his servants to go poaching all round the neighbourhood of his residence? How could the salesman know where the farmer procured the game? But he called on the House to look particularly at the effect which this bill was likely to have on country gentlemen, who frequently visited their estates for the purpose of sporting. It would put an end to fox-hunting, a sport of which he was fond, and the enjoyment of which drew many gentlemen to the country. Fox-hunting was not so useless an amusement as some persons imagined. The great officer who had raised the military glory of this country to so high a pinnacle of fame, had declared, that he never knew a man who had been in the habit of riding after the foxes in his neighbourhood, who, when placed in the army, did not make an active and useful soldier. When it had fallen to his (sir H. Vivian's) lot to appoint an officer to command in a situation of difficulty, he always selected a man who he knew had been in the habit of crossing the country. Those who were attached to hunting he had always found to be good soldiers.

Mr. *Stuart Wortley*, in reply, observed, that all the evils mentioned as likely to flow from this bill, were precisely those which he had most anxiously endeavoured to guard against. Many of the objections now urged, particularly those of the hon. baronet, the member for Stafford, ought rather to have been advanced in the committee. With respect to the objection which that hon. member had advanced against the service of a warrant in the first instance, that provision might, even now, be altered. He had no objection to the substitution of a summons, if it were deemed preferable. His great object was to introduce a law which would protect game, without creating all the evils which manifestly attended the present system. Whether, under this measure, there would be a little more, or a little less game, was, he conceived, a matter of minor importance. The law, as it now stood, occasioned most men to look upon a poacher as one who ought not to be condemned, but to be pitied; and he knew no way of removing that feeling, except by altering the legal denomination of game, and making it property. It had been said by the gallant general, that stolen game might be sold to the salesman. That was very true; but it was equally true with respect to the poultry. He hoped if this bill passed, that ultimately measures would be taken for permitting the sale of game just like any other commodity. With respect to the interference of this measure with fox-hunting (which, after all, appeared to be the great objection against it, in the minds of several hon. members), he never could treat the argument seriously. He was a fox-hunter himself, and he respected fox-hunters, and therefore would do nothing to destroy that sport. But, he must say, that it did not depend on the preservation of game, but on the fitness of the country for it, and on the estimation in which a gentleman was held. He had heard no argument to induce him to change the opinion he entertained relative to the game laws; and he declared, that if his bill were lost, he would, so long as the law continued to be the intolerable nuisance which it was, labour strenuously to have it removed.

The House then divided: For the third reading 94; Against it 69; Majority 25. The bill was then read a third time.

ROMAN CATHOLIC CLERGY OF IRELAND.] Lord *Francis Leveson Gower* rose, he said, for the purpose of moving a resolution, which should record the opinion of the House, that it was expedient that a provision should be made by law, towards the maintenance of the Secular Roman Catholic clergy exercising religious functions in Ireland. If, during the period which had elapsed since he had given notice of his intention to bring this subject before the House, he had felt considerable anxiety, and even apprehension, at having pledged himself to the execution of a task far beyond his humble powers, the circumstances which had occurred since the recess had not tended to diminish that anxiety. When he had heard an hon. and learned gentleman (Mr. Brougham) on a recent occasion state it to be his opinion, that this question was in importance scarcely inferior to the great question of Catholic emancipation, he could not but feel his own confidence rise in proportion to the magnitude of the subject. Differing as he did from that hon. and learned gentleman in degree, but not in principle, he did not despair, that he would do him the honour to go with him, and that the discussion would have the benefit of the eloquence and talents of one with whom he had nothing in common, but a sincere wish for the welfare of the sister country. The measure which he was about to propose appeared to him to be inseparably connected with the welfare and the good government of Ireland. It had been advocated by men whose authority still possessed the weight it deserved, although their exertions were now lost to their country for ever. The names of Pitt, of Castlereagh, and of Cornwallis were found among the first of those who had recommended a provision for the Roman Catholic clergy. He had also great pleasure in finding, that the opinions which he entertained on this subject were backed by those of an hon. and learned gentleman (Mr. L. Foster) whom he now saw in his place, and whose laborious research into all matters connected with the affairs of Ireland was every where entitled to serious attention. He would take the liberty of reading to the House an extract from the debate in the year 1812, on Mr. Grattan's motion for a committee on the Catholic question, in which the hon. member had said—"Had the parliament of Ireland at that time contemplated the question in all its bearings—had they said to the Catholics at large, 'we are anxious to admit you within the pale of the constitution, but there are some practical points which we must first discuss with you—there is something for you to modify for us, as well as something for us to concede to you—the policy of our ancestors has fatally estranged your clergy from the state, yet placed, without intending it, great influence in their hands; we propose to connect this body with the government, at least enough to disunite them from a foreign power; we do not like to see them depend for subsistence upon the feelings of their flocks—we are ready, nay, we insist on paying them stipends for their maintenance.'" In this opinion he most cordially concurred. The course here pointed out he was most desirous to adopt; and if the hon. member for Louth would let "his little bark attendant sail," he would willingly renounce all claim to "pursue the triumph," content to follow in the wake of so able and wary a navigator. Whatever might be the merits of his proposition, he knew that the great question of Catholic emancipation must precede it, in order to make it available; and in this respect he concurred fully in the opinion which had been expressed by the right hon. Secretary of State for the Foreign Department, whose absence he regretted, as well for its cause as for its effect. The House would be aware of the constitutional reasons which prevented him from bringing before it the substance of his resolution in the shape of a bill. The objects which he proposed to obtain by his resolution were, to connect the whole body of the Secular Catholic clergy with the state, to effect an improvement in the condition of the Catholic peasantry, and to provide for the security of the Protestant church. It was not his intention to propose any increase in the body of parochial clergy; and in point of emolument he should leave them nearly as they were. When the sources from which the income of the clergy was derived were considered, it could not be doubted that it would be highly expedient to substitute a fixed and unfailing stipend for those uncertain sources. It might be objected, that one effect of this would be to cut off the connexion of the clergy with their flocks. In order to meet this objection, he would remind the House, that in the evidence of a distinguished prelate of that body, which had lately excited so great an interest, it was stated, that one fourth of the incomes of the priests was derived from the offerings of their parishioners on certain solemn festivals in the church. These it was his intention still to leave untouched, that a lively remembrance might be kept up in the minds of the parishioners, of the spiritual services of their pastors, and that they might upon such solemn occasions, testify by their contributions to his support in this world, the sense they entertained of the value of the priest who pointed out to them the road to salvation in the next. The evidence of Mr. O'Connell showed, that the ranks of the Catholic clergy were almost exclusively filled from the lower orders of the people. He would not insult, by the expression of any aristocratical feeling, so meritorious a body, but it must surely be a matter of reasonable regret, that any circumstances should occur to prevent a mixture of the higher classes of the community among the Catholic clergy. The necessity of a competent provision was also strikingly enforced by another consideration. Was it fit that, in times of danger and popular tumult, the clergy should be so entirely dependent upon the people, that any attempt to discharge their duty to the government must be followed by the loss of their means of subsistence? When the storm was up and the vessel was in wreck, was it right that they should be lashed to its shattered remnants, and exposed to all the fury of the tempest? He would return, however, from a supposed case, to the more pleasing conviction which had been produced on his mind by the perusal of the evidence on this subject, and which proved, that a close intimacy and unanimity subsisted, in many instances, between Catholics and Protestants. He alluded particularly to the monument which had been erected by Protestants to the memory of Mr. Egan. This was a prouder triumph to his memory, than if his name had been united with glory or victory in the history of Ireland. It was delightful to turn from the records of violence to pastoral scenes such as these: it was refreshing to turn from Sectarianism to Christianity. We owed to the Catholic clergy, a debt of respect and gratitude—he now came to an insinuation which had been thrown out against this measure, to which he felt it necessary to reply. It had been insinuated, that its object was to undermine the Catholic faith. He would take that opportunity, for himself and those who supported him, to deny the imputation. He had told the Catholics openly and fairly, that he preferred his own faith to theirs, and that he would be most happy to see the differences between the two religions done away with. But, that he, or any rational man, could entertain the chimerical project of changing the religion of the Irish people, it was worse than idle to suppose. His object was, to promote a community of interest between the clergy of both religions, with a view to their own and to the general welfare; and when, in the pursuance of that object, he disclaimed any idea of undue interference upon the part of government, he did not mean to rest his argument upon theory, but would appeal to precedent and practice. What interference had, for example, taken place between the government of the country and the Presbyterians of the north of Ireland, ever since the payment of their clergy had been established by law, in the reign of James 1st.; and what class of men had, by their uniformly good conduct, proved themselves more deserving of the patronage of government, than the class of Dissenters to which he had alluded? If he wanted an argument to prove two things, first, that the payment of a clergy on the part of government, did not necessarily imply (as some persons maintained it did) an undue influence in religious matters upon the part of that government, and secondly, that it was productive of good conduct and increased zeal in the clergy themselves, where could he so triumphantly appeal as to the Presbyterians of the north of Ireland? He was not anxious to indulge in declamation, or to recur to the twice-told tale of Irish distress. That distress must have reached the heart, and pierced the ear, of every one who heard him; and it was to the honour of the British nation, that when an appeal had been made to them on behalf of their suffering fellow creatures in Ireland, that appeal had not been made in vain. But, he would ask whether true charity did not consist as much in alleviating the distresses of the mind, as in relieving the wants of the body; and whether it would not be worthy of the generous people of England, who had stepped forward in the hour of distress to minister to the corporeal wants of the inhabitants of Ireland, to consummate their glorious work, by now granting to them those privileges for which they had so long sighed, and without which it was impossible ever to attach them sincerely to our interests? Should he be here told, that motives of economy ought to prevent the granting of such a boon, he would say, "away with such economy;" and he was confident that in the feeling of that House and of the country, he should find an echo to his cry. He was confident, he repeated it, that no motive of petty economy could ever weigh with the people of England against the concession of a measure which would have the effect of wiping away the recollections of unmerited wrongs, which now rankled in the hearts of the Irish Catholics—which would restore peace and confidence to the breasts of millions of our fellow-countrymen—

> "And with a sweet, oblivious antidote,
> Cleanse the foul bosom of the perilous stuff
> That weighs upon their hearts."

Aye, and which not only weighed upon their hearts, but which fired their brains, and nerved their arms, to the commission of midnight assassinations. It was with these feelings that he came forward to propose his resolution, convinced from the precedent to which he had alluded in the payment of the Presbyterian clergy in the north of Ireland, that it could not be productive of harm, and equally convinced that it must tend to the most beneficial results. The scale which he was induced to follow upon the present occasion, would be adapted to that which the late lord Londonderry had applied to the payment of the Presbyterian clergy, in the year 1803. He found that the number of Catholic priests in Ireland amounted to about a thousand, and that of the coadjutors or curates to nearly the same; making the whole estimate of parish priests about 2,000. He proposed to divide these into three classes, in the same way that the Presbyterian clergy were divided, and to allot to 200 of them an annual stipend of 200*l.* each; to 800, a similar stipend of 120*l.*; and to 1,000, a similar stipend of 60*l.* To the four archbishops, 1,500*l.* per annum; to the 22 bishops, 1,000*l.*; and to the 300 deans, 300*l.* each. The total amount of expense would be about 250,000*l.* per annum. This sum, he was sure neither the House nor the country would grudge, to secure the peace and tranquillity of Ireland. By this plan, accompanied, as he trusted it would be, by the great measure of Catholic emancipation, the rulers of the land would have a strong and unalienable hold on the affection and the duty of the Roman Catholic priests and population. They could say to them—"We give you this sum, not for the purpose of undermining your religion, or of making you apostates to your faith; we give it to you in the spirit of Christian charity, and we trust that you will receive it in the same spirit. Do not, however, think to employ it for the purpose of subverting our religion, or making us swerve from the faith of our ancestors. Should such an opinion be entertained by you, you will find yourselves grievously mistaken; for we are resolved to maintain that religion, and to cling to that faith, even to death. We now give you a proof that we have no disposition to imitate the persecuting spirit of our ancestors; and we entertain a confident hope that you will shew yourselves deserving of our kindness, by inculcating peace and good order, and the principles of our common religion, on the minds of your flocks. Any attempt upon your parts to interfere with our religious establishment must, we repeat it, prove abortive; for the star of England, before which all the nations of the world have quailed, must set for ever, ere you can hope for the accomplishment of such an object."—The noble lord concluded, amidst loud and long continued cheering, by moving the following Resolution:—"That it is expedient that a provision should be made by law towards the maintenance of the Secular Roman Catholic Clergy exercising religious functions in Ireland."

Colonel *Bagwell* said, that he rose to support the motion of the noble lord, from a feeling that in so doing he should facilitate the question of Catholic emancipation. The great opponents of that question were the clergy of the established church; a class of men whose opinions, from early feelings and associations, he was bound to respect. He was born and educated in that church. For the purity of its doctrines, and the excellence of its institutions, he had the highest esteem; and nobody could appreciate more highly than he did the exemplary conduct and the unostentatious piety of those venerable persons of whom that church was composed. However, therefore, he might differ with them upon the present occasion, he was bound to respect their motives. He nevertheless could not help observing, that the opposition was confined to the clergy of England, and that not a single petition against the Catholic claims had been presented upon the part of the Protestant clergy of Ireland. He was confident, that if once the professors of the two religions were put upon an equality as to civil rights, there would be no hesitation in the minds of the people as to which was deserving of greater respect, the Bible or the Missal. He did not say this in the spirit of undue hostility to the Catholic religion. Although he could not subscribe to the doctrines of that religion, he was far from attributing to the Catholics those monstrous opinions, those idolatrous practices, which had been ascribed to them by some. He thought, on the contrary, that we owed to that church a debt of gratitude which could not be too often acknowledged, or too deeply felt, for being the medium by which that most invaluable of all books, the Bible, was introduced into the Christian world. This was a fact which ought not to be lost sight of; for if, at any future period, the Presbyterians, or any other sect of Dissenters, should think proper to apply to parliament for an establishment for their clergy, similar to that which we were now about to bestow upon the Catholics, we might fairly turn round and say to them, "We owe you nothing. What claim have you, therefore, upon us for an establishment?" To those who asked what claim the Catholic clergy had upon us, he would answer, that to their exertions we were mainly indebted for the preservation of tranquillity in Ireland. Of this he was sure, that had it not been for their efforts to inculcate the precepts of Christianity, the disturbances in that country would have been much more extensive and much more frightful, than they had been. It had been said, that some gentlemen would support Catholic emancipation, in order to secure the passing of the 40*s.* freeholders' bill. That, however, was not his case. He had formed his opinion on the Catholic question long since. He did not vote for the 40*s.* freeholders' bill as a Protestant security, but as an act of substantial justice; because he considered the present system of voting in Ireland was bad in itself. The rejection of that measure would not cause any alteration in his opinion with respect to the question of emancipation. The gallant officer concluded by expressing his cordial approbation of the measure of the noble lord—a measure which he was confident would tend greatly to increase the general prosperity of the empire.

Mr. *L. Foster* said, he was anxious to take an early opportunity of offering to the noble lord his sincere thanks for the able manner in which he had originated the present motion. He was desirous also to correct a misconception into which some persons had fallen; namely, that he had maintained that there was any irresistible barrier to the concession of the Catholic claims. It was natural that a difference of opinion should exist upon the subject of those claims. He had his own opinions upon that subject—opinions which he had maintained in early life, and from which he saw no reason at present to depart. With respect to the Catholic laity (the aristocracy in particular) he had never seen any difficulty in the way of concession, as far as they were concerned. He had never maintained that they were unfit to participate in the enjoyment of civil rights. On the contrary, he was acquainted with most of the leading men of the Catholic aristocracy of Ireland, with those who, if the measure of emancipation passed, would be most likely to obtain seats in that House, and his knowledge of those gentlemen enabled him to state, that there were no persons more calculated to do them honour by their co-operation. The misfortune of this question, however, was, that the laity formed but a part of the Catholic body, and that the most influential and the most dangerous was the clergy. Such was his feeling; and it was with this feeling that he wished to attach the Catholic clergy to the existing government, and by that means prevent the evils which he could not but apprehend from leaving them in their present state, forming a kind of imperium in imperio, exercising a predominant influence over the minds of the lower orders, and with no motive of attachment to the state. He had been favourable to the principle of the veto, when originally suggested, but had thought it did not meet the evil for which it was proposed as a remedy—because it only gave to the Crown the right of interference in the appointments to the highest ranks of the Catholic clergy.—The hon. member here read an extract from a speech made by him on a similar subject, in the year 1817, to prove that, in opposing the question before the House, he was not acting inconsistently with his former expressed opinions. He was principally opposed to the measure, because it was a provision, by a Protestant state, not merely for the support of the Catholic clergy, but to enable them to promote those objects which were always uppermost with them; namely, the advancement and glory of the Catholic religion. He did not now, nor at any former period, oppose the claims of the Catholic laity to the full benefits of the constitution, provided sufficient security were given against that over-reaching and innovating principle, which history proved was the essence of their religion. It was contended, that no danger would attend the admission into that House of a few Roman Catholics, for that once admitted they would lose their distinctive character. That assumption he denied. On this point he might direct the attention of the House to the conduct of those members who represented the West-India interest. On subjects in which their interests were not involved, they could not be recognized as a body of men possessing a community of feeling; but the moment any question arose which affected their West-India interests or prejudices—let it relate to the cotton of Egypt, the sugar of Bengal, the coffee of Macao, or the brandy of France—they formed a compact phalanx, and acted as one man. In like manner, the Catholics would, if admitted, be found acting as one man in that House, on every occasion in which the interests of their religion might be concerned; and they would, probably, succeed in associating with them some Protestant members, under the mistaken notion of joining with the liberal side. These were his grounds for not going the length of voting for this motion. If the other arrangements to which he alluded were agreed upon, the question of stipend would stand upon another basis, and he should then have no hesitation in acceding to the resolution, in the hope that it would confer a benefit upon Ireland, and the empire. So far from opposing a provision for the Catholic clergy, he should then feel great satisfaction in supporting it; but, this he would do on the principle, that this provision should be an alleviation to the people from the charges of the priests, and not a provision for the Catholic religion by a Protestant state; for he could not see how a Protestant state could conscientiously, or consistently, apply its revenue to the support or extension of the power of the Catholic religion.

Mr. *Hume* said, he could not give a silent vote upon so important a proposition. The two questions, this and Catholic emancipation, were totally separate; and though he did not yield to the noble lord in an anxious desire to promote a conciliation, and secure the peace of Ireland, he must oppose the present motion. With regard to the observations of the noble lord upon economy, he would say, that he never opposed a fair and proper remuneration to all persons employed by government; but the public had a right, in return, to require the performance of adequate services. He would not follow the course of the noble lord, in advocating the superiority of any religion, and though he lamented the variety of religious creeds, he was convinced of the folly of attempting to change any of them by compulsion. It was indifferent to a state of what religion its subjects were; for it was his opinion that the members of all sects, Catholics, Protestants, Jews, Church of England men, &c., were capable of being equally good and loyal subjects, and that all should, therefore, be put on an equal footing as to civil privileges. His opposition to the present measure was founded on its injustice to the Dissenters of England and Ireland, because it excluded them from a provision for their clergy. Circumstanced as they now were, without evidence or information to guide them, they could not be excused in hastily adopting a proposition which was an innovation upon constitutional principle, inasmuch as it operated as an exclusion itself, by paying the Catholic, and and not the Dissenting clergy. If his opinion were to guide the decision of the House, the clergy of all sects should be paid by the state. France, Prussia, and all the continental powers did so. If even all the benefits anticipated by the noble lord were to be realized, he would not agree to a provision for the Catholic clergy if the Dissenting clergy were excluded. The noble lord had stated nothing which could reconcile him to such a measure. He had not said, whether the 250,000*l*. was to be provided by an annual vote, or by a large grant at once. And, above all, the noble lord had not stated from what fund this provision was to be drawn; nor who was to have the distribution of it. Had these been stated, they might have tended to remove the difficulties which the measure would have to encounter. He was sure no hon. gentleman would contend, that the Dissenters were not entitled to as much consideration as the Catholics, in proportion to their relative numbers. The Dissenters of Ireland were estimated at 800,000, their clergy at from 300 to 400, who were paid about 200*l*. per annum each. The exact sums were 8,905*l*. for the Dissenting clergy, and 4,989*l*. for sending members from the synod; in all 13,894*l*. This small and paltry allowance to the Dissenting clergy, could form no precedent for granting so large a sum as 250,000*l*. to the Catholic clergy. All he wanted was the appointment of a committee, to ascertain how far it would be proper to pay both the Catholic and the Dissenting clergy. He objected to the measure, because it purported to give exclusive advantages to the Catholic above all other Dissenters. As far as he could learn, for there was the greatest dearth of evidence, it did not appear that the measure would please any party. What means had the House of knowing that the Catholic clergy themselves would be satisfied with it? In the absence of information, therefore, he thought a committee before which evidence could be taken, was preferable to acceding to a motion of this nature. He had, therefore, prepared an amendment to that effect, and would conclude by moving, "That a Select Committee be appointed to inquire, whether the Catholic priesthood, and all Dissenting ministers from the established Church of England and Ireland, and the Catholic priesthood and Dissenting ministers from the established Church in Scotland, should be paid annual stipends; and to consider and report to this House what sums, if any, should be paid to each sect, and from what funds and under what particular stipulations the said payments should be made."

Mr. *W. J. Bankes* said, that the proposition of the noble lord appeared to him excessively unreasonable. He had himself admitted that he did not know whether it would meet the approbation of the Catholic clergy. There prevailed a great difference of opinion on that point amongst the witnesses examined before the committees of the two Houses. One of the Catholic bishops had stated, that possibly the clergy might be brought to agree to a stipendiary allowance, but another had declared, that he had much rather remain as he was. It was admitted on all hands, that the measure was not very agreeable to the lower orders of the Irish Catholics, who would never consider it a boon. It had been said, that any measure which went to make the clergy less dependent on the people would give them an interest in preserving peace; but, was not this unnecessary, if it was true that the peace of Ireland would be permanently secured by Catholic emancipation? He considered this the most uncalled for grant that ever was made. Gentlemen must surely have their money burning in their pockets who would thus vote away 250,000*l.* a year without any stipulation. The Catholics certainly offered no terms, nor did they ask for this grant. On the contrary, they would reject it by every means in their power. The Catholic clergy were no worse off than the ministers of any other non-conformist congregation. With the exception of the Presbyterians of the north of Ireland, all other Dissenting ministers were paid by their own flocks. What would be the consequence of placing the Catholic clergy on a different footing from other nonconformists?—that the other Dissenters would have to pay three descriptions of clergy; those of the Established Church, their own, and the Roman Catholic priests. The hon. member for Aberdeen had proposed, that the state should pay the three; and, in truth, he did not well know how to answer him. He could not see what difference there was between Roman Catholics and other dissenters in this question of stipend. Every thing like an Established Church would come to an end if the principle of this bill should be adopted. The Protestant church might remain the established one in England, because the majority of the nation was Protestant; but in Ireland, the fact was otherwise, and the consequence would be different. This bill was said to provide securities for the safety of the Church establishment. But what were those securities? He could see none. Many who objected to the annual grant of 250,000*l.* for this use would say, why not give away the Church establishment in Ireland to the Catholics, rather than put the state to the expense of supporting two churches in that country? And, how could that be answered? Yet, if it took place, it would have the effect of destroying the Protestant religion in Ireland. On these grounds, he called on gentlemen, by the regard which they owed to that religion, to give a decided negative to the motion before the House. As to what had dropped from an hon. and learned member a few nights ago, relative to the declaration made by clergymen on taking a benefice, that he was "moved thereto by the holy spirit," he was anxious to say a word or two. The clergyman took no such oath; he merely took the oath of supremacy, the oath of allegiance, an oath against simony, and an oath of canonical obedience. He did not swear that he was moved by the holy spirit to accept the benefice; he merely made a solemn declaration that he was [a laugh]. The words occurred in the ordination service; the bishop asked the question and the clergyman simply answered "yes" [a laugh]. The subject was not deserving of ridicule; the words were befitting the solemn occasion. He would not have troubled the House on that topic, but that he wished to prevent the hon. member's incorrect assertion from going out uncontradicted to the world. The hon. member sat down by declaring, that he should look upon the success of the present measure as an incident, after which the established Church of England could hope to exist no longer.

Mr. *Thomas Courtenay* said, he had always supported the great question of Catholic emancipation, on the broad ground, that there ought to be no political exclusion because of religious differences, and because there was no objection raised against the Catholics, which was not equally applicable to all other Dissenters. It was one thing, however, to restore all the king's subjects to an equality of rights, and another to take the clergy of any particular sect into our pay. The payment of the Catholic clergy might be just and necessary; but he should require other reasons to induce him to vote for it, than those adduced in support of Catholic emancipation. There was more affinity between the Protestant and the Catholic church than between the tenets of the Protestants and the Dissenters. The Catholics were not enemies to the Protestant establishment on abstract principles. He thought that they would not seek to subvert the Established Church, unless they hoped that they could substitute their own in its place [a laugh]. That was more than he could say for the Dissenters; who would destroy it if they could, even though they might not be able to substitute their own in its stead. But, he certainly thought, that the acquiescence of the House in the measure before it, would give the Roman Catholics reason to hope, that their church would, in time, become the established religion in Ireland. It was said, on the other hand, that the Catholic clergy would, when salaried by the state, desert their flocks. If that desertion would have the effect of inducing the Catholic peasantry to turn to the Protestant church, he should rejoice at such desertion; but he thought it would not have that effect. The alternative would be, not adhesion to the Established Church, but indifference to all religion. He must equally protest against the measure, as a bribe to the Catholic clergy to induce them to support the state; and he never could consent to pay ministers of religion inculcating doctrines which they believed to be false. It had been said, that we ought not to have so influential a body as the Catholic clergy unconnected with the state; but, he saw counterbalancing disadvantages in making them stipendiaries of the state. He respected them too much to offer them a bribe; he approved of them too little, to give them an establishment. There was another subject upon which he was desirous to say a word; and yet he scarcely knew whether he could do so without calling down reprehension. He had long been of opinion—it was an opinion which he had been many years in forming, and many more in making up his mind to express—that all churches, not excluding the Church of England from the number, required from their adherence too great a conformity. He thought that the time was come when the Established Church ought to revise its Articles of Faith. If any gentlemen would take the trouble to read the thirty-nine articles [a laugh].—It was not his practice to stand up against the sense of the House; and rather than expose such a serious subject to ridicule, he would abandon it altogether [hear! and cries of "Go on"]. The very laughter which had been caused by the mention of the subject was an argument in support of his opinion; for he was convinced that a great majority of those whom he was addressing had never read them. They made no part of our general education. The most religious parents had ceased to instil into the minds of their children the necessity of reading them. They must see how much more closely they related to the particular period at which they were framed, than to the present. They referred to the heresies of the times, and had been originally forty-two in number, but had been reduced to thirty-nine in the reign of Elizabeth. That was a precedent for a further revision. The greater part of them were unnecessary to be read or considered, one way or another, The differences to which they gave rise were not material—were not influential on any great moral or religious principle. This was his honest opinion. A zealous friend to Catholic emancipation, he felt himself (as we understood) compelled to oppose the measure before the House. [hear]. He could say much more on the subject; but at present he was unwilling to press it further; and should conclude by saying, that although he was a staunch friend to Catholic emancipation, he could not vote for the proposed provision for the Catholic priesthood.

Lord *George Cavendish* said:—The hon. gentleman who has just sat down, has predicted of this proposition, that it would array the Catholic priesthood of Ireland in more formidable opposition to the Established Church. Now, if I thought that the Catholic priesthood had any intention of ever coping with the ministers of the national church—if I thought that there was a disposition to bring, for a moment, the great, splendid, overweening,or rather extended hierarchy of the Catholic persuasion in competition or collision with, I would be as backward as that hon. member in supporting this measure. I look to it only as a maintenance for the Catholic clergy. And, will any man say, that the question is not, whether six millions of Irish Catholics—the great proportion of the popopulation of that country—are for ever to remain in a state of ignorance? I think that by giving their clergy, I do not say an ample, but a proper provision, you make them more enlightened, and enable them more to enlighten their flocks. As you cannot put down the Catholic religion in Ireland, you ought to have proper pastors; and the best way to procure them, is to make such a provision for them as will render them respectable. In that view I support this, in common with the other measures, from which I expect the happiest results. The particular manner in which this measure is to be carried into effect has not yet been decided upon; but care will, of course, be taken to obviate the objections of preponderance on the one side or the other. You attribute much of the disorders of Ireland to the unenlightened state of the lower orders. Make their clergy respectable, and nothing can tend more to reform and civilize them. In what way, but by means of religion and information, do you make any people moral? Look into the calendar of crime at the Old Bailey, and you will find that the career of vice was first entered upon, in most instances, from the absence of a protecting parent, and the want of having imbibed in early years proper notions of religion and morality. If the whole race of the lower orders in Ireland were left in ignorance, what can you expect from them? It is because I think that this measure will have the best effects in reforming the morals of the Irish peasantry that I support it; and upon that ground alone I would support it, even if it did not go hand in hand with the great measure of emancipation."

Mr. *Secretary Peel* said, he had imagined, that all parties would agree in treating the present measure as totally distinct from the proposition for removing Catholic disabilities; and he, therefore, regretted that any attempt had been made to connect or couple the two questions together. What he should say on the subject would be extremely short. It was proposed, without—as he thought—any explanation, for the House broadly to declare, that it was expedient to provide by law for the future maintenance of the secular Roman Catholic clergy. We were to pay 250,000*l.* a-year to the Catholic priesthood, and were to have no power in the nomination of them. They were to receive that large amount of money from the government, but to be in all respects independent of it, and free from its control. He by no means wished to have the control to which he alluded. He did not say that it was at all desirable that the Crown should have so much additional patronage; all he wanted was, to show what would really be the effect of the measure. Looking at such a grant only constitutionally, and apart from any theological consideration altogether, it was at least one upon which it behoved the House to pause for information. It was said, that the Presbyterian body in the north of Ireland stood exactly in the same situation in which it was now proposed to place the Catholics. He denied the parity of the cases; and that very argument was one upon which he founded considerable complaint. There was evidence before the committee above stairs as to that particular point—evidence which he desired to quote, but which he found had not been printed. The moderator of the synod of Ulster had distinctly stated the nature of the connexion between the Presbytery of the north of Ireland and the government; and his declaration came in fact to this—that there was scarcely any difference between the Presbyterian system and that of the established church. Certainly, if the measure before the House did pass, he should so far agree with the hon. member who had lately spoken, that, without any delay for consideration, he should say, the thirty-nine articles ought to be got rid of; for, surely, after passing such a measure, no man could ever again be called upon to subscribe to them. The hon. gentlemen opposite smiled. He understood what was meant. It was intended to quote what we had already done with respect to the college of Maynooth. But surely the cases were widely different. We objected to the education of the Irish Catholic priests abroad, and therefore we founded a seminary for them at home. But surely this was not like providing 1,000*l.* a-year for every Catholic bishop; 1,500*l.* a-year for their archbishops; and an income for every clergyman, of whatever degree. One effect of such a course, as it appeared to him, would be directly to create a rivalry for influence between the secular clergy of Ireland, and the regular clergy. The first, being paid by government, might be doubted by the people; the last would then step in to interfere in their duties; and the contest would necessarily be as to which party should evince the most zeal for every circumstance, of whatever character, connected with the Catholic faith. He doubted, too, how far it would be possible for the House to make such an arrangement as that contemplated without a communication with the pope. If the archbishops and bishops were to receive a large salary, government might probably think some alteration in the oath they took advisable; and Dr. Doyle, though he was of opinion that this might be done, thought it could not be done without an application to the see of Rome. Surely, if we were to pay the Catholic bishops of Ireland 1,000*l.* a-year, it was too much that the pope should have the nomination of them. At least, there ought to be some stipulation, that he should institute the person recommended to him from Ireland. At present there was nothing to hinder the pope from nominating a foreigner; and no nomination but his could have any force or value in Ireland. He did not mention these circumstances as insuperable objections to the measure; but why, he asked, was it necessary to press it at that moment? As soon as this measure was passed, if parliament should agree to it, the claims of the Dissenters would be altered, and become much stronger than they were at present. Let it be recollected, that we had made no provision for the Episcopalian clergy of Scotland; and not having done so, he could not see why we should commence our provision for any other church by giving a stipend to the Catholic clergy. What would be the situation of the Dissenters, if this bill passed? They would see the Protestant established church provided for by tithes, and the Catholic clergy by taxes, to both of which they, the Dissenters, were obliged to contribute; while, at the same time, no provision was made for them. Such a measure as the present would, he contended, be contrary to the spirit of the Revolution. It would be in direct hostility to that spirit, to select any religion, distinct from the Protestant church as established by law, for a permanent provision and establishment. He would not object to this principle, if the House had agreed to remove all the disabilities of the Catholics; but that measure had not been adopted. The House were now engaged in an inquiry, the whole of the evidence on which had not yet been printed; and considering the want of sufficient information on the subject, he thought it would be premature to press it, and he had no doubt that if so pressed, honourable members would have reason to repent their precipitancy.

Mr. *Wynn* said, he thought that one of the great recommendations of Catholic emancipation was, that it was to be accompanied by some measure of this kind. There were many honourable members who supported the former for the sake of the latter; and, so convinced was he of the necessity of the great question, that if he thought he could make even one convert to it by the passing of the present measure, he would most cordially support it, and give precedence to this in order to pass it first, as an inducement to honourable members to consent to the other. His right hon. friend had asked, why the two measures should be connected? He answered—the connexion was most politic. It was a connexion which had been supported by Mr. Pitt, by the late marquis of Londonderry, and by other eminent friends of the Catholic question. He remembered the words of Mr. Pitt, when the Catholic question was discussed more than twenty years ago. They were, that some securities were necessary, not depending on the test of religion, but some which should afford a permanent connecting line between the government and the people. This was the opinion of that great supporter of the question twenty years ago; and it was the opinion of all those who had taken an interest in it ever since. That man must be an idiot who could imagine that Ireland would be tranquillized by the passing the measure of Catholic emancipation, unless it was accompanied by some such arrangement as the present. It was objected, that we were about to give salaries to the Catholic bishops, without provision that the pope should not have the power of appointing a foreigner to a bishopric in Ireland. Supposing that this was not already provided for, it would be a fit matter for consideration when the House went into a committee on the bill. It was urged that the Catholic clergy, if this provision were made for them, should give up their present sources of emolument. Undoubtedly, that would be required to a great extent; but, there were certain fees on the performance of parts of their ministerial duties, which it might not be proper to abrogate. The Protestant clergy, though paid by tithes, were allowed to take fees, in particular cases; and he did not see how the restriction could be made to the Catholic clergy in some instances; but, the amount of fees which they would be allowed to take would be inconsiderable. The great objection to this bill was, that it ought not to be extended to the Catholics, unless it was also extended to the Dissenting clergy. He would contend, that the two cases were different. The necessity in both was not the same. The numbers were not the same; nor could the same danger exist from one quarter as from the other. The Catholics in Ireland were smarting under the influence of penal laws, which even when repealed, would leave an impression that could not be removed all at once; and it was most important that there should be some link to connect the future teachers of that people to the state. In conclusion, the right hon. gentleman contended, that the present measures must be considered, as having the sanction of the people of Ireland; for, since they had been first mentioned in parliament, sessions and assizes had been suffered to pass over, and no public meeting had been held to petition parliament against them. Under these encouraging circumstances, therefore, he felt himself fully justified in giving the resolution his cordial support.

Mr. *Martin*, of Galway said, that from what had fallen from the noble lord who had moved this question, and from some comments which had been made on his speech, one would naturally imagine that he had presented a petition from the Roman Catholic archbishops, bishops, and clergy of Ireland, supplicating the House to make some provision for their support, out of the public purse. The fact was, however—and he spoke from a personal knowledge of the sentiments of most of the higher order of the Irish Catholic clergy—that they were by no means desirous of any such provision. They had much rather be without it; and, if they did consent to accept it, it was not on their own account, but from a wish that the general measure affecting their lay brethren might not be retarded, in consequence of any opposition on their part to one of its contingent arrangements. They themselves did not wish to be indebted to parliament for any grant whatever. This was the language of every member of the Irish Catholic hierarchy, and of all the clergy with whom he had conversed on this subject. In supporting this motion, therefore, he did not feel himself called upon to answer all the objections which had been urged against it. It was not his proposition: it was not the proposition of the supporters of the Catholic question: it was, in many instances, the measure of those who had previously opposed any concession to the Catholics, and who were disposed to withhold that concession, unless it should be accompanied by this measure. He did not, therefore, feel himself called upon to say what might or might not be its effects. That the Catholic clergy were sincere on this subject, he could not doubt, for they would lose by it a great portion of the influence which they now held over their flocks in Ireland; and, if they consented to any measure which would have that effect, it was because they felt it would forward the general measure of emancipation. The Catholic priesthood at present received more from their flocks, than they would be likely to get by any pecuniary arrangement of the nature of that now proposed. If he were asked for any other reason why he supported this question, he would answer, that he did so, because he wished to take from the Protestants that which he considered so just a reproach to them. The Protestants at present, in their vestries, assessed the Catholics for the payment of their church rates, for the repairs of churches, and other matters; but now, if this measure were carried, the Catholics might say, that if they were assessed for the support of the Protestant church, the Protestants were taxed for the payment of the Catholic clergy. On the whole, he would give his best support to this measure, and he thanked the noble lord for introducing it; not because he looked upon it as necessary in itself, but because he thought it would be auxiliary to the great question of Catholic emancipation.

Mr. *Spring Rice* said, he would give his vote for the noble lord's motion; first, because he thought the Catholic clergy were more powerful in their influence than any other body of men in Ireland, and he should therefore wish to have them placed in amicable relation to the state; and next, because he thought the Catholic laity were poor, and ought to be relieved from the burthen of supporting their own clergy, being already by law bound to contribute so largely to the support of the Established Church. As a measure of finance, he thought it would, in this respect, be a most seasonable relief to the poor Catholics, by taking from them so heavy a burthen. He was not one of those who thought it better to have no religion than the Catholic religion. He respected that mode of worship, not because it was Roman Catholic, but because it was Christian; and he was anxious that where it existed, its moral precepts should be carefully inculcated by means of general instruction; and that instruction was, in a great degree, debarred by the want of funds among the Catholic clergy. As a friend to emancipation, he should wish to see this question carried; but as a friend to civil liberty, he would oppose it, if he thought its object was to give the government unlimited control over the Catholic clergy. In that case, the influence of government would be too great, and the influence of the priests for the purposes of instruction would be reduced. However, he did not believe that the provision was sought for by government, with any such view. The power of the bishops over their clergy would remain the same; but the bishops would form the connecting link between them and the government. The hon. member then proceeded to state the many services which the Catholic clergy had rendered to government, by their constant exertions to maintain or restore tranquillity in that country. They had, he observed, on all occasions proved themselves the most able and useful auxiliaries to the civil power. This was proved in evidence before the committees of both Houses, particularly in the evidence of Judge Day and he, also, could attest it from his own personal experience. In conclusion, the hon. member implored the House, for the sake of the tranquillity of Ireland—for the sake of the general prosperity of the empire—to pass these bills. They had not a moment to lose. A little delay might deprive them of an opportunity which might not occur again for years. Circumstances to which it might not be proper to allude more directly, showed the absolute necessity of despatch in these most important questions. He did hope, therefore, that to the present, as forming part of the general measure, the House would give its sanction, and also to the others when they came before them.

Mr. *Goulburn* said, he did not mean to advert to the question with reference to the expense which it would entail on the country, as he did not think that the sum of 250,000*l.* a-year was a point of sufficient importance to impede the measure, if it could be proved to be a beneficial one. But he should oppose it on the ground that the House was not in the possession of sufficient information to enable it to come to a correct conclusion. The resolution now on the table was too general in its terms, and was brought forward in order to facilitate the passing of another bill, and he thought that such an arrangement was a most prejudicial one. He saw every thing in this resolution that was calculated to excite dissention and dissatisfaction, among that clergy whom it as intended to benefit. He contended that it was the duty of the noble lord who proposed it, to lay down, in the first instance, the amount of the payment which he intended to make to the Catholic clergy, and the conditions and stipulations with which he intended to accompany it. The House was bound to consider the number and situation of the regular clergy, before they determined to confine their bounty to the secular clergy of Ireland. It ought likewise to reflect what would be the effect of bestowing that bounty upon them. He believed, that just in proportion as the House increased the emoluments of the Catholic priesthood, would it diminish the confidence which their flocks at present reposed in them. He contended, that if they agreed to make this grant to the Roman Catholic clergy, they were bound, in point of principle, to make a similar grant to the clergy of every other sect which dissented from the Established Church. An hon. friend of his had said that he would make this grant to the Roman Catholic clergy because he considered them dangerous to the state, and that he would withhold it from the Dissenters, because he knew them to be harmless to it. Was not this holding out to the Dissenters a premium to be seditious? Was it not, in point of fact, saying to them, "You are now quiet and submissive, and therefore not worth remunerating; but, become turbulent and disaffected, and we will immediately provide for you?" Such a defence of the present resolution was utterly untenable, and was as paltry a fallacy as had ever come under his observation. It was true, that the grant did not entail any very great expense on the country, in a pecuniary point of view; but, though the 250,000*l.* which it called for, was not much when considered by itself, the expense of such a system would be found serious, when there were added to it the sums necessary to provide for the clergy of the Dissenters. He maintained, that this measure ought to stand upon its own merits alone, and not upon those of any other measures with which it was connected. As far as he was concerned, he would say that the resolution received injury rather than benefit from the measures in whose company he found it; and that if it was intended to render the question of Catholic emancipation more palatable to him, it had utterly failed in producing that effect. He conceived that, so far from harmony being thereby promoted between the Protestant and the Catholic church, a great jealousy of each other would be excited among them, when they found themselves placed under the protection and support of the state. In conclusion, he objected to the measure, because he had not sufficient information regarding it; because, as far as his information went, it convinced him that the measure made provision for that part of the Catholic clergy who were the most inclined to do mischief to the establishment, and withheld it from that part who were the least inclined to injure it; and lastly, because it would hold out a false expectation of relief and protection to other sects, who had never yet declared themselves in want of them.

Mr. *Calcraft* said, that if he entertained any doubts upon this subject, before he entered the House, they would have been removed by the right hon. gentleman who spoke last, and by the right hon. the Secretary for the Home Department. He now saw how thoroughly this measure connected itself with the great one of Catholic emancipation. The opposition of the two right hon. gentlemen must have arisen from thinking that the failure of the motion would contribute to the overthrow of the bill before the House, for the relief of the Catholics. The reason for confining the provision to the secular clergy was quite obvious; it was because they were the officiating parochial clergy of Ireland. He was prepared to vote for the great measure, unaccompanied either with this, or the other, relating to the franchise. It was, however, much better to take them together as a general arrangement. It was most singular that the two right hon. gentlemen should be the most craving for further information relative to the affairs of Ireland; they who, from their official situation, must have had the very best opportunities of obtaining it [hear! from Mr. Goulburn]. The right hon. gentleman said, "hear!" but, if there was any one man who discovered more ignorance than another of the affairs of Ireland, it was that right hon. gentleman. He had been left, the other night, in the greatest minority of Irish members, on a subject connected with that country, that was ever recollected in that House. As to the sum, it was trifling compared with the importance of the object to be obtained. So anxious was he to complete these measures of conciliation, that there was hardly any thing that could deter him from making the experiment. From the evidence in the report, and from the conversations he had had on the subject with many who were best acquainted with it, he had no doubt that these measures would be the seal and bond of tranquillity in Ireland. If this measure had been proposed alone, sure he was, that many of those who now opposed it, would have been its firm and zealous supporters. They opposed it, because they thought it would tend to the completion of the other great measure. The House should go forward with the grant. The motion had his most hearty concurrence.

Mr. *Creevey* said, that he rose to oppose this resolution, for a reason which had not hitherto been adverted to in the course of the debate. He felt deeply for the wretched situation of the lower orders of the Irish peasantry, and for the aggravation which their poverty received, in consequence of the various sums they were called upon to pay to the Roman Catholic clergy. He should have no objection to see the Roman Catholic clergy properly remunerated; but to paying that remuneration out of the taxes of the Protestant people of England, he for one could never consent. He thought that the Roman Catholic clergymen might easily be paid out of the funds of Ireland itself. When he recollected that in Ireland there were six millions of Catholics, and that the remaining million of its population was equally divided between the established church and the dissenters, he did not see any reason why the funds of the established church should not be applied to the payment of its Catholic clergy. Why should great families be allowed to send their relations and their tutors out to Ireland, and to quarter them upon the rich livings of that country? He never would consent to make any provision for the Roman Catholic clergy of Ireland, unless it were made out of the property of the established church. He would leave the two sects to settle the division between themselves. He would have nothing to do with it; but, this he would again say, that to tax the Protestants of England for any such object as was contemplated in this resolution, he never would for one moment give his consent. When he voted for Catholic emancipation, he voted for it, not as a favour, but as a matter of right.

Mr. *Brougham* commenced his observations by apologizing to the House for trespassing upon its attention at that late hour, after the many protracted and exhausting debates to which they had listened during the last week. From the deep interest which he felt in the success of the Catholic cause, and from the part which he had taken in opposing the elective franchise bill, he deemed it necessary, in justice to the cause, and also to his own consistency, to state, as briefly as he could, the reasons which induced him to support the present resolution. He felt no difficulty from want of information upon this subject, because it was not encompassed by any of that obscurity in which the measure relative to the 40*s.* freeholders appeared to be involved. The facts relating to it lay in a narrow compass, and had often been presented to the consideration of parliament. The principles on which it must be decided were familiar to them all; for he might say, that, often as the Catholic question had been discussed, from the time when Mr. Fox first brought it forward twenty years ago, down to the present moment, there had never been one occasion in which it had been discussed, without the necessity of a provision for the Catholic clergy being either maintained or denied in it—without such a provision being fully admitted to be germane to the grand question, and almost impossible to be severed from it. He could have wished to have gone on to that grand question, without having his path crossed, either by the present measure, or by that which he had felt himself called upon to oppose on Tuesday last. It was no fault of his, that either of these measures had been submitted to their notice; but, as they had come under it, and as one of them was a measure on which he had no inquiry to desiderate, he had no hesitation in giving it his decided and positive support. He begged leave to say, that the generality of the words, in which this motion was couched, formed one of the grounds on which he supported it. His hon. friend who had spoken last, might have voted for it consistently with the principles by which he appeared to be animated; for, it prescribed no manner of proceeding; it pointed out no funds from which this remuneration was to be taken; it only recognized the principle, that it was expedient that the State should, in some way or other, make provision for the Roman Catholic clergy. Did any member think that the provision which the noble lord had mentioned was too large? Nobody was tied, by acceding to this resolution, to approve it. He might vote either for half the sum, or the whole sum, or double the sum mentioned; and that no scale, or that any scale, might be adopted, with regard to the payment of the bishops and of the priests. With respect to another point, on which he had felt some alarm before he had heard the nature of the proposition then under the consideration of the House—an alarm founded on the evidence of the Roman Catholic bishops, and on the questions put to some laymen before the committee—with respect to the possible increase to the influence of the Crown from this measure, he must now say that all his alarm had ceased. He desired it to be distinctly understood, on the part of himself and of several gentlemen on his side of the House, that they gave their assent to this measure on a distinct understanding, that it was to lead to no dangerous increase to the influence of the executive government, which he thought was already too large in England, both in the state, and in the church separately, and also in the impolitic alliance between church and state, of which they unfortunately heard so much upon all occasions, and which he was certain was too large in Ireland, where the state had much greater means of corruption than it had in England, and where the church possessed an influence and a property of which it was scarcely possible for any Englishman who had not been in Ireland to form an adequate conception.—He begged to state, that he considered the granting to the Crown the power of direct nomination over the priests, or the power of putting a negative upon that nomination when vested in another quarter, or the granting to it a veto on the appointment of priests, either directly or indirectly, or any measure which would put the payment of the clergy entirely into the hands of the Crown, to be one and all of them measures which went to plant in each parish of Ireland a hired officer of the government; and he repeated, that if any of those measures had formed part of the present proposition, he should have been among the first to hold up his hand against them. They were not to be found in it; and he therefore felt himself justified in giving to it his support.—He would now say one word respecting the alleged necessity of providing for the ministers of other sects, if we provided for those of the Roman Catholics. He contended, that there was neither consistency nor sound principle to bear out such necessity. In point of consistency, this grant would not give to the Roman Catholics a greater sum, if regard were paid to their numbers, than was now given to the Presbyterians by the regium donum. When the Presbyterians amounted to 5,000,000, and the

Catholics only to 500,000, he would vote for giving to the Presbyterians the sum which was now given to the Catholics, and for restricting the Catholics to the sum now granted to the Presbyterians. In point of principle, it was necessary to support the grant, because the clergy were the natural instructors of the people. We had adopted at home the principle which acknowledged the propriety of educating the people. Let us proceed onwards in the performance of our duty, and adopt the same principle with regard to the people of Ireland. We were not called upon to provide for the ministers of every sect: if we were, we should have sects which were unknown to us at present, which had few or no followers, which had only a priest and thirteen or fourteen devotees—for instance, Johanna Southcote and the believers in her Shiloh—claiming from the government support and remuneration for their religious instructors. To say that we were bound to provide for the ministers of all sects, was not to take a statesman-like view of the question. We were not bound to do any such thing, until a sect became populous, as the Catholics were in Ireland, and included, as they did, the majority of the inhabitants of the country. These were the reasons which led him to intrude at present upon the House. He must, however, before he sat down, protest against one position which had been set up in the course of the debate. Nothing could be more dangerous to the great question of Catholic emancipation, than to admit, that we gave this provision to the Catholic clergy as a security. He denied that we did so. If we gave it as a security, we must admit that danger existed; which he for one could not conscientiously do. If we admitted the danger by giving a security, we must be prepared to do more —we must be prepared to raise the security, in case it were deemed imperfect or insufficient. He denied the danger. He denied the security. He considered this resolution, as he had always considered the veto, the control, and the commission, to be entirely foreign from the great question. That question was Catholic emancipation. Grant that to the people of Ireland, and it would allay all dissentions and disturbances. It would give us their hearts; and in giving us their hearts, it would secure our dominion over them, so that a world in arms would not be able to wrest it from us.

Mr. *Plunkett* rose amid deafening cries of "question." He said, that he had only one observation to make to the House, and that he should not presume to make it at that stage of the debate, if it did not appear to him to possess some weight, and not to have been noticed by any of the speakers who had preceded him. With a great deal of what had fallen from his hon. and learned friend he fully concurred; and particularly with his last observation, that it was not dealing fairly with the Catholic question to consider this measure as a security against danger likely to accrue from conceding Catholic emancipation. He begged gentlemen who were anxious to support the Protestant ascendancy to listen to what he was now going to say. The hon. member for Aberdeen had, to a certain point, supported his opinion. He said, that he was sensible of the injustice and impolicy of leaving six millions of people without an adequate provision for their religious instruction. He agreed that these instructors ought to be paid. All that he objected to was the mode of paying them; and maintained, that the provisions should come from the funds of the established church. Now, the advantage of this measure was, that it would be an anwser to those who said it was most unfair that the Protestant clergy should be supported from tithes paid by the Roman Catholics. Because, if the Roman Catholics made such an objection, would they not have here a direct answer? Might they not say, "We, the Protestants, contribute to the maintenance of your church." Those, therefore, who might be alarmed as to the effect of concession on the established church in Ireland, should feel, that this measure would operate as a buttress to support it.

The House divided: Ayes 205: Noes 162.

HOUSE OF COMMONS.

Monday, May 2.

ROMAN CATHOLIC RELIEF BILL.] Mr. *Plunkett* rose to move the postponement of the order of the day; for the commitment of the Catholic Relief Bill. The House would give him leave to state the reason of this proposition. He begged, then, to say, that his hon. friend the member for Westminster (sir F. Burdett) was unable to attend in his place that night, in consequence of severe indisposition; but he was in every expectation of being able to attend on Friday next. The hon. baronet being very anxious to be present at the discussion in the committee, had desired him to move this postponement of the order to that day.

Mr. *Littleton* wished to have his bill relative to the elective franchise of Ireland postponed to the same day as that which had just been mentioned.

Lord *Binning* rose to correct a mis-statement which had gone abroad of what he had said on the second reading of the Catholic Relief bill. It had been stated, in several Edinburgh newspapers, that he had said, that, in his opinion, the destruction of the Protestant church in Ireland would be no great evil. He certainly had uttered no such sentiments; nor did he entertain them. He trusted the House would excuse him for setting himself right on this point, because nothing was more likely to injure him in the opinion of his countrymen, than a supposition that he felt any lukewarmness with respect to the Protestant church.

Mr. *Calcraft* said, he was present when the noble lord had spoken on the occasion alluded to, and could undertake to say that he had uttered no such sentiments as those which had been attributed to him.

Bonded Corn.] On the motion of Mr. Huskisson, that the House should resolve itself into a committee on the Importation of Corn acts,

Mr. *Curwen* said, he would take that opportunity of calling the attention of the right hon. gentleman to some points which he had intended to suggest to him on a former evening when this subject was before the House. He wished to remind him particularly of the fact stated in almost all the petitions which had been presented, that there was a sufficient quantity of corn now in the country for the consumption of the present year. He trusted that the right hon. gentleman, in proposing to the House any measure on this subject, would state, either from some information on which he could rely, or from his own belief, or upon some other satisfactory grounds, that a want of corn was likely to be experienced; as that could alone, in his opinion, justify an alteration in the present system. Unless the right hon. gentleman should be able to do this, he, however reluctantly, must oppose his resolutions. He had no doubt that any regulation which should have the effect of preventing the averages from rising too high, would be beneficial to the country; but he repeated, in order to justify any alteration, it ought to be made out to the satisfaction of the House, that the home supply was not, or was likely not to be, equal to the necessary consumption.

Mr. *Curteis* said, it was the general opinion here and in Ireland, that the produce would be amply sufficient for all the wants of the country in the present year. To propose any alteration which should have the effect of reducing the present price of corn would, he thought, under such circumstances, be a breach of faith with the farmers. In the present state of the House he should be sorry to have a topic of this importance decided; but, he should be very glad to hear what the right hon. gentleman had to propose, and to take it into consideration on some future day.

The House having resolved itself into a committee,

Mr. *Huskisson* said, that after the discussion which this subject had undergone in the course of the last week, it would not be necessary for him to enter into any long discussion upon it. He wished only to bring before the consideration of the House, the law relating to foreign corn as it now stood, and the facts which were connected with that law, in order that they might both be distinctly understood. They were, then, simply these. In the year 1815, an act was passed, by which all foreign corn was prohibited from being admitted into the ports of Great Britain whenever the average prices should be under 80*s.* per quarter. A subsequent act of 1822, left the last act unaltered; but it provided, that foreign corn should be admitted when English corn had reached 70*s.* per quarter, upon payment of 17*s.* per quarter. This was the state of the law at the present moment, with regard to this description of corn. It had occurred to him, and also to others who had paid attention to the subject, that under the present circumstances, looking to the high price which corn had reached, and to the deterioration which the corn now in the warehouses and under bond was likely to suffer, it was desirable that some facility should be afforded to the admission of that corn for home consumption, until the supply which the next harvest would afford should be available. This view was taken, not for the benefit of the individual holders, but for that of the public. Indeed, no other consideration could have induced the government to recommend a departure from the present regulations, which affected this branch of commerce. Now, with respect to the facts, he begged to remind the House, that three weeks ago the price of English corn was 69*s.* per quarter. Since that period the price had been gradually rising. This day it was higher than on Monday last by three shillings per quarter, as he was informed. [An hon. member said, "four shillings."] Well, if it were so, he had a right to assume, that the former low prices were the consequences of an unnatural stagnation; and that the rise had taken place, owing to the time of year and the belief that no alteration was to be made in the existing laws; at least during the present year. His object was, to induce the holders of foreign corn now in bond to bring this corn into the market, between the present period and the 15th of August; and it would be necessary to hold out a sufficient inducement to them to do this. They might, as the law stood at present, bring this corn into the market, when wheat was at 70*s.*, upon payment of a duty of 17*s.*, and if they participated in the expectation which was entertained by many persons, that corn was likely to rise, they would of course abstain from bringing it into the market, unless the reduction of duty were sufficient to hold out an immediate inducement for them to do so. He had had some difficulty in determining what this reduction of duty should be. When he came down to the House on Thursday last he had studiously abstained from having any communication with the holders of foreign corn; because such a communication would necessarily have led to speculation. He had stated, that in his view of the subject, 8*s.* or 10*s.* would be a reasonable duty; and that such a reduction would be a sufficient inducement to the holders of foreign corn to bring it into consumption. He had since heard, that they would prefer keeping it back, and speculating upon the opening of the ports on the 15th of August. If the House should be of opinion, that 10*s.* was too high a duty, and that it would defeat the object which he had in view, namely, that of inducing the holders of foreign corn to bring it into the market before the next harvest, he should not be indisposed to listen to any suggestion for lowering the duty. His only object was, to adopt that course which might consult the public advantage, and the landed interest of the country. His proposition was, to give the holder of foreign grain an option of bringing it into the market, in portions of one third, for the next three months, paying a duty of 10*s.* per quarter in each of the three months; but, if he did not bring it out between this and the 15th of August, it would remain subject to the present provisions of the law. His sole object was, to keep down the price of corn, and to prevent it from rising to an unreasonable extent, in the interval between this period and the next harvest. The alteration of the law as to wheat would, of course, extend to other minor articles. There was a small quantity of barley, and also a small quantity of American flour. The whole quantity of corn in bond amounted to about 400,000 quarters; and the effect of the introduction of these 400,000 quarters would depend altogether, on the state of the supply in this country for the next four months. In the year 1820, the introduction of a quantity of foreign oats had the effect of greatly depressing the market, while the introduction of a much larger quantity, in August last, scarcely affected the market at all, and indeed was generally admitted to have been attended with beneficial effects. From the present appearance of the corn markets all over the country, and the state of the market that day in London, there was obviously a tendency to increase of price. Under such circumstances, the introduction of a limited supply of corn was not likely to be followed by any inconvenience. On these grounds, he was anxious to recommend this measure to the adoption of the House. Part of the corn now in bond had been so for six years; part for not more than three or four years; a very considerable portion of it had been bonded within six weeks after the ports were closed, in 1819. Of course, a much greater expense had been incurred by some holders than by others; but, however he might feel for the situation of particular individuals, the House could not take these circumstances into their consideration; they must legislate upon public grounds. If the holders of foreign corn should be disposed to bring it into the market between this and the 15th of August, it would tend greatly to facilitate the arrangements which might be hereafter made on the general subject of the Corn laws. He wished it, however, to be distinctly understood—and he was particularly anxious that there should be no misapprehension out of doors on a subject with respect to which the public were so sensitive—that the present measure had no reference to what might be the future intentions of government; but that it referred solely to the quantity of foreign corn now confined in bond. The second resolution which he had to propose referred to Canada corn. The quantity of Canada wheat now in the country did not exceed 20,000 quarters. On the 15th of this month, it would probably be liberated by operation of law; as it would be admitted duty free, when the average price exceeded 67*s.* With respect to this he should propose a prospective duty of 5*s.* a quarter, in lieu of all other prohibitory duties. Before he sat down, he wished to say one or two words with respect to some observations which had fallen from the hon. member for Taunton, on the view which he had taken of this subject on Thursday night. In the first place, he must observe, that his hon. friend was a member of the committee of 1821, and, he believed, he had done him the honour to concur in the report of that committee. He (Mr. H.) had always been opposed to a system of alternate monopoly and free trade. In the year 1815, a few days before the present chancellor of the Exchequer introduced the resolution which led to the bill of that year, there was a meeting, at Fife-house, at which he (Mr. H.) supported a measure of duty, and strenuously opposed a measure of alternate monopoly and free trade, He did not succeed in carrying his own views at that time; but his opinions remained unchanged. He congratulated his hon. friend, the member for Taunton, on entertaining a sounder view of this question than he did at that time; for his opinion then was, that Corn bills were nothing more than pretences for raising rent. He now took a just view of the protection which was due to the landed interest. The right hon. member concluded by moving two resolutions, for carrying into effect the proposition he had submitted to the committee.

Mr. *Baring* contended, that his opinions with respect to the Corn laws had undergone no alteration since the period to which the right hon. gentleman alluded. What he objected to at that time was, not a due protection of the landed interest, but an undue increase of that protection. The right hon. gentleman had stated, that he had been unable to carry his own views of this question, in the year 1815. But, if he had been defeated at Fife-house, he had nevertheless come down to that House, as zealous a defender of the bill, as if it had originated with himself. He did not find fault with the right hon. gentleman's own opinions. The opinions which he objected to were those which had been foisted upon the right hon. gentleman, and of which he had afterwards undertaken the defence. He (Mr. B.) had never said, that Corn bills were mere pretexts for raising rent; but, considering rent as the surplus, after all the charges and expenses of cultivation were satisfied, he had certainly contended, that the existing sytsem was calculated to raise it to an exorbitant extent. The degree of protection which should be extended to the agricultural interest, was a point on which the House could not legislate with too much circumspection. He had opposed the protection bill in 1815, because he conceived that a sufficient protection already existed, and that an increase of that protection was calculated to prejudice the other classes of the community. With respect to the measure now proposed by the right hon. gentleman, he thought it, in the main, extremely desirable. He could not help regretting, that the opinions which had been promulgated with respect to the state of the supply, and the observations which had fallen from the right hon. gentleman, as to the state of the currency, which had been very much misunderstood, had created a great deal of unnecessary alarm. He believed there was not the slightest ground for the apprehensions which existed out of doors, either as to the price of corn or the state of the currency. He objected to the period of the 15th of August, to which the right hon. gentleman had extended the operation of his measure. He thought it would be much better to give the holders of foreign corn a month or six weeks to bring their corn into the market. This would operate as an inducement to them to bring it into consumption, before the prospect of the harvest was sufficiently advanced to make them speculate on the expediency of withholding it. The present measure would interfere directly with the interests of speculators in English corn, but he did not mean to intimate that such speculators were entitled to compensation. When the interests of the public were under consideration, parliament could not tie up its hands, because the interests of individuals would suffer. He thought a higher duty might be imposed. When corn could be imported at 33*s.* the price in Dantzic being 25*s.*, with an allowance of 8*s.* freight, it ought to pay more than 10*s.* duty. The price at which it could be sold in our markets would be 43*s.* This was a pretty fair estimate of the value of the bonded corn. If, then, even a duty of 15*s.* were proposed, it would be still a boon to the holders, and he was satisfied they could not object to it, while it would be much to the advantage of the consumer. This, however, he merely threw out as his own opinion, without proposing any alteration to that effect.

Mr. *J. Benett* approved of the project of bringing the bonded corn to market, but objected to a duty so low as 10*s.*, on the ground that the importers would put the difference between that and the present importing duty into their own pockets. The difference from 10*s.* to 17*s.* on the stock in hand had been calculated at 140,000*l.* Now, he saw no reason for giving such a boon to the holders of bonded corn. If they were allowed to bring the corn at all to market, it ought to be on terms as little prejudicial as possible to the agricultural interests. He deprecated a reduction of the duties, under any apprehension of a rise of prices, for that he regarded as very improbable. An allusion to such apprehension was often attended with bad effects in the market; and if it was stated in that House, that it would be difficult to provide corn until the new corn came in, it would tend to raise the price of corn. He saw no reason for departing from the present duty of 17*s.*, and should, therefore, suggest that that duty should not be altered.

Mr. *Leslie Foster* believed that the letting in the bonded corn at that moment, at any and at whatever duty, would be the best thing that could be done for the benefit of the home grower. For, if once the ports were opened, which would certainly be the case if this measure did not pass, the whole six years' accumulation of wheat which was now lying in the ports of Poland would be poured in upon us, and give a shock to the landed interest which it would be years in recovering. The corn to which he alluded was now selling on the continent for 20*s.* a quarter: freight and insurance included, it could be imported at 28*s.* That was the evil that the agricultural classes really had to fear. The hon. gentleman sat down by stating, that he was in favour of letting in the bonded flour, as well as the wheat: but at a duty of 4*s.* per cwt., instead of 2*s.* 9*d.*, which he did not think sufficient.

General *Gascoyne* supported the admission of the bonded corn, and contended that it was an aid given to the land-owners, rather than any benefit to the public. No man in that House would say, there was a sufficiency of corn in the country, to supply the home market till the next harvest. He was of opinion that, even at 10*s* duty, the corn let in would not be brought to market, but would be kept to take the chance of higher prices. He therefore moved as an amendment, that the admission duty should be 8*s.* only.

Mr. *J. Benett* said, in explanation, that his only objection was, to give this great boon to the corn importers.

Mr. *Sykes* approved of the principle. Considering the losses which the importers must have sustained, they were entitled to this permission to dispose of their corn. The revenue was not sought to be benefitted by this measure; and he therefore saw no reason why the best terms should not be given the corn-holders. The duty of 10*s.* appeared exorbitant. He thought 5*s.* sufficient.

Sir *Mountague Cholmeley*, in reply to what had fallen from the gallant general, who had asserted, that no man in this House would venture to say there was a sufficiency of corn in the country to supply the home market till the next harvest said: I rise to assure the hon. House, that I entertain no apprehension on that subject. I will now give the House my reasons. I live in a corn county, where I have resided the greater part of the last winter amongst a very intelligent body of agriculturists who have assured me, that the late harvest was superabundant; was considerably more than an average crop, and would exceed the supply of former years. We know by the returns made to this House, that, during the last six years, the average price not exceeding 58*s.* the supply has been equal to the demand, and no importation has been allowed. Whence, then, arise any apprehensions now? It is the practice in the county of Lincoln, and those counties more distant from the metropolis, to defer thrashing out their wheats, till the counties nearer the great mart for corn are exhausted. In aid of the farmer, liberal landlords have lately deferred their Lady Day rental till Midsummer; which will also account for the farmer, his tenant, keeping his wheat in store till the barley is disposed of and the malting season gone by. I repeat again my conviction, that there is no want of bread corn in this country.—My wish is, to allay the apprehensions of the mercantile gentlemen who argue on this topic so differently from the landed proprietors, and who, I think, do not consider how differently the latter are circumstanced from the former. Let us compare the situation of the capital of the manufacturer with the capital of the country gentleman. The capital of the former is at his own command, he can shift it with the policy of the times; if one trade or speculation does not succeed he flies to another: he has the choice of the markets of the whole world. It is not so with the landed proprietor; his capital is in most cases chained down to his native place, it is chained down by the law of entail. There is an elasticity, too, in the merchant, which does not belong to the agriculturist; he rises quicker after a fall. Will this hon. House, will the legislature of the country, consent to abolish the law of entails? will they, in the spirit of free trade, sanction such a disfranchisement of our estates? I trust not; I desire it not; for if corn falls, if rents fail, how am I, how is any man to provide for his family? We are too much attached to the soil to abandon the country, and follow the wings of fortune.—We prefer remaining at our post where we serve the nation as magistrates, as commissioners in various offices, without any prospect of gain. All we desire in return is, the protection of the laws at present in existence; which uphold the rich and maintain the poor.—Before I sit down I wish to warn those gentlemen, converts to the new system of free trade, that if an unlimited importation of corn is allowed, they may expect a competition from a corn company.—Why not a corn stock company, as well as a milk or an oil company? If such a stock of three or four millions be established, they would soon glut the metropolis with corn: they would regulate the prices in Mark Lane; and Mark Lane rules the prices over the whole country. I have only now, Sir, to add, that I shall give my vote in favour of the resolution to allow foreign corn in bond to be admitted to the home market, on the principle of *Relief* to the merchant, and because I believe the quantity is so inconsiderable, that it will not interfere to depress the prices of the stock in hand, which is abundant till the next harvest.

Mr. Alderman *Thompson* protested against a high duty, on the ground that whatever the duty was, it attached to the price of the article, pro tanto, and, in effect, fell upon the consumer. It appeared to him that a duty of *5s.* ought to serve all purposes. Besides the consideration of keeping down the price of corn, by bringing this bonded grain to market, there was another which struck him as forcibly, recommendatory of this measure, and that was the capital, estimated at a million, locked up in this corn. Upon that ground alone it was the duty of the House to take measures for putting that large capital into circulation. He concluded by moving, as a second amendment, the reduction of this duty to *5s.*

Mr. *Farrand* saw no reason why there should be any duty at all imposed on this corn. Whatever the duty was, it fell eventually upon the consumer. He moved, as a third amendment, that the corn be taken out of bond duty free.

Colonel *Wood* objected to a reduced duty, as it looked like a beginning to make an alteration in the Corn laws. He was quite sure that if the corn rose to 70*s*., these holders would bring their stock to market. He protested against any alteration in the Corn laws, and recommended gentlemen to withdraw all the amendments.

Mr. *Cripps* supported the resolution. He had not a doubt the effect would be, that the whole of the bonded grain would come into the market as soon as the law allowed the operation. It was true that corn had risen within the last few days, and that event was naturally to be attributed to the result of the decision on the motion of the hon. member for Bridgnorth. There was every prospect, from the weather and the state of the crops, of a good harvest. He wished the hon. members would withdraw their amendments, and allow the resolution to pass unanimously.

The *Chancellor of the Exchequer* said, that as far as he could judge of the sense of the House, it was in favour of making 10*s*. the rate of duty. As the measure proposed was intended as a boon, he did not think that the holders of the bonded corn had any right to complain. If he thought the duty of 10*s*.

would have the effect of keeping that corn out of the market, he should certainly vote for a lower rate; but believing that no such result would follow, he should support the original resolution. The committee would do him the justice to believe that he was not influenced by any consideration of the miserable amount of revenue that would be derived from the higher amount of duty.

Mr. *Handley* expressed his concurrence in the proposition of the right hon. gentleman, as far as the 10*s*. duty on bonded corn; but he could not approve the plan for importing wheat from Canada at the intended low duty.

Mr. *J. Maxwell* said, that though he was a county member, and connected with the agricultural interest, he would never support, in that House, a protecting duty, which was detrimental to the interests of the other great classes of the community. Looking, however, at the farmer as a manufacturer of grain, he did not think him so entitled to the same protection against foreign competition, as other manufacturers received. He thought he ought to be protected to the extent of the poor rates, and the particular duties drawn from agriculture.

Mr. *Monck* said, he understood the high duties to be sought for, for the protection of the country gentlemen; because, as the House was informed, they were men who lived on their estates, spent their money in the country, and were also most valuable to the state by acting as unpaid magistrates. Truly, all these were most important services; but he did not see that they were altogether unrequited. From the calculations which had been made, it appeared, that the effect of the present Corn laws was, to raise the price of the quarter of wheat to 70*s*., and that without them it would not exceed 50*s*. Now, taking our consumption at 14 millions of quarters, as was contended by some hon. members, here was a duty upon the great body of the people of 14 millions, for the benefit of the country gentlemen. He did not mean to say that their services were overpaid; but after this, he hoped no man would assert that they were wholly unpaid. He should support the original resolution, because he felt that the country in general would derive benefit from it.

Mr. *Huskisson* said, he had not adverted to the quantity of corn in the country. He had most cautiously guarded himself against the expression of any opinion on that subject. His resolution was not founded upon it. It was founded, not upon any speculative opinion, but upon his knowledge of the fact, that there was a quantity of bonded corn likely to perish in the warehouses, and on his wish that it should be gradually brought into the market, for the purpose of keeping down the price, and of keeping it steady. If it was the general sense of the committee that he should lower the duty at which this should be brought out, he would willingly assent to it; but, he did not find that to be the prevailing wish. As to the apprehension that what had been said on the subject of the proposed alteration, had produced the impression made on the money-market since Friday last, it was, he must say, quite absurd. The discussion took place on Thursday, and the impression was not on the next day, when all that passed must have been well known, but on the day after. He did not seek for the cause of that impression, but most certainly he was convinced that it must have originated from the same cause, not relative to this question, operating on that most sensitive machine. With respect to any depression which might have been produced in the foreign exchanges as against this country, he thought it was a subject which ought not to excite alarm in the minds of any; or that any opinion unfavourable to our general prosperity could be drawn from it. It was quite ridiculous to entertain such an apprehension. The exchanges had been for a long time against other countries, and in favour of this, and yet we did not see any general depression of their commercial prosperity produced by that circumstance. The recent slight turn against us had arisen from circumstances which must be of a temporary nature and which would, in a very brief period, work their own remedy.

Mr. *Western* said, that if he concurred in the proposition at all, it would be in the terms of the original resolution. On the general question of the Corn laws, he would observe, that on the whole their practical consequences had been beneficial to the country. It had been prognosticated, that after the passing of those laws, corn would never be under 80*s*. a quarter. The events that had occurred were the most conclusive answer. Besides, notwithstanding the numerous imputations thrown out against the landed interests, rents had been, since that time, considerably diminishing. The Corn laws had not been fairly dealt by. Since their enactment, the fluctuation in the price of corn had been nothing like that which it was at former periods. A right hon. gentleman had talked of the fluctuation in the price of corn having been from 112*s*. to 38*s*.; but it ought to be recollected, that when it was 112*s*. it was under the principle of free trade, and that when it was 38*s*., it was under the protection duty.

Mr. *Hume* positively denied that the whole country was satisfied with the present state of the Corn laws. In the name of the manufacturing interest, he protested against any such assumption.

The first resolution was agreed to without division. On the second resolution, for putting an end to the existing prohibitory duties on corn imported from our colonies, and substituting a duty of 5*s*. a quarter,

Mr. *Leslie Foster* observed, that the resolution stood on a very different footing from the last. The question to be determined was, what was the amount of duty that ought to be imposed? Now, the proposed resolution assumed at once, that 5*s*. a quarter on Canadian wheat was the fit and proper duty. It might be so; but some previous investigation was surely necessary. If we were prepared at once to say, that 5*s*. a quarter was the proper duty on wheat imported from Canada, why were we not prepared to settle the whole corn question, and to say that 10*s*. or 15*s*. was the proper duty on wheat imported from Dantzic? It was said, that the average price of wheat in Canada was 38*s*., the freight would be 12*s*.; and it was now proposed to add a duty of 5*s*., making altogether only 55*s*. And, besides, how did they know that 38*s*. was actually the average price of wheat in Canada? It might turn out, that the average price was much less. Parliament ought to have evidence on these points, before any thing was determined upon. With regard to the question respecting the duty on foreign wheat, it would be necessary first to ascertain the price of foreign wheat. He had a document in his possession which would show what had been the experience on that point of some of our neighbours. Rotterdam had been for some years supplying itself with corn wherever it could get it cheapest. It was a fair conclusion, that whatever was the price of wheat at Rotterdam, was the price at which foreign wheat, if not subject to any duty, might have been sold in London; the expense of freight being much the same in both cases. The price of wheat per quarter at Rotterdam, during the last five years, was as follows:—In 1820, 36*s*. 10½*d*. in 1821, 33*s*. 5*d*. in 1822, 29*s*. 9½*d*. in 1823 30*s*. 5*d*. and in 1824 32*s*. 10½*d*. Thus it appeared, that the average price of the last five years was 32*s*. a quarter, being the prime cost in the wheat country, and the expense of freight. There could be no doubt that foreign corn could be had as cheap in England; and the question therefore was, what was the amount of duty on that price, which would operate to secure a fair remuneration to our agriculturists? It was necessary to avoid the two extremes—either of dearness, by which our manufactures were distressed, or of cheapness, when the distress of the agricultural re-acted on the manufacturing interest. The experience of late years had pretty fully determined what ought to be the price of corn in this country. He agreed with an hon. member, that it ought to be about 65*s*. But all this would be a proper subject for inquiry in the next session of parliament. The present resolution, however, allowed the importation of Canadian corn, including the duty, at 55*s*. He thought the House ought to pause, before they agreed to such a resolution.

The *Chancellor of the Exchequer* said, that his hon. friend expressed himself at a loss to comprehend on what principle Canadian corn was to be allowed to be imported into this country on terms different from those required with reference to the corn of other countries. The principle was clear: Canada was a colony belonging to this country; the Canadians were our fellow-subjects, and were entitled to our peculiar favour and protection. If his hon. friend's argument were good against Canada, it would have been good against Ireland in 1806. If the subject was to be looked at in so narrow a point of view, the free importation of corn from Ireland in 1806 ought to have created great alarm. But, had we no motives to induce us to deal liberally by our colonies? Did his hon. friend forget the state of the different colonies in the world? Did he forget what had led to the alienation of the Spanish colonies from the mother country? Among the principal causes of that alienation were the measures adopted by the Spanish government to prevent the cultivation of the vine, and to cramp colonial industry. By such policy Spain had lost her colonies; and we should indeed be short-sighted, were we to imitate her example. Canada could send us nothing but her raw produce. If we excluded that, we cut off all communication with Canada; and therefore, looking at the subject in a commercial view, but above all, looking at it in a political view, we ought to permit, under favourable terms, the importation of Canadian corn. His hon. friend appeared to have forgotten that a large proportion of the population of that very Canada consisted of his own countrymen. But two years ago, parliament passed a vote to enable numbers of poor half-starved Irishmen to emigrate to Canada. If we did all we could to send them out, but when they got out, did all we could to starve and distress them, then indeed the hon. member for Aberdeen's opposition to the plan of emigration would be well founded. The system on which we ought to act, was to give encouragement to our colonies; to cherish their energies; and thereby to add to the wealth, and, what was more, to the political strength of the British empire in every part of the world.

Mr. *Newman* said, he was favourable to the importation of corn from Canada, but great precautions ought to be taken to prevent our receiving the corn of the United States instead of that of our own colony. He was informed, that, in contemplation of the present measure, cargoes of corn had been sent from Europe, in order to be reshipped from Canada to this country. Any attempt of this kind ought to be strictly watched.

Colonel *Wood* said, he could not give his assent to the present resolution. If we adopted it, although only with reference to Canada, there was an end to the principle of our Corn laws. At present, according to those laws, when our wheat rose to 67*s.* a quarter, our ports were open to wheat from Canada: when it rose to 80*s.* to wheat from foreign countries. Instead of breaking down this principle, let the price of 67*s.* if it were thought too high, be lowered. Let it be lowered to 50*s.*, or to any other sum; but let us not entirely depart from the present system of our Corn laws, by enacting, that whatever may be the price of wheat in this country, our ports shall be open to Canadian wheat at a duty of five shillings a quarter. All that the agriculturists wanted was a fair protecting duty; and it was the interest of all classes of the community that they should have it.

Mr. *Baring* supported the resolution, on the grounds which had been so well stated by the chancellor of the Exchequer. There was no fear that European corn would go to Canada, to be sent from thence to this country: as the freight would be too high to render such a speculation profitable. Nor would there be any difficulty in preventing the importation of corn into Canada, from the United States, as it must pass a broad river, and any attempt of the kind might easily be detected.

Mr. *Huskisson* could not admit the existence of any of the dangers which hon. gentlemen seemed to apprehend. As to Canada, what was the situation of that colony four years ago? They sent us corn in return for our manufactured goods; but their bills were protested, for we put their corn under lock. Was it to be expected that the inhabitants of the colony, having the feelings of Englishmen, could submit to a continuation of such treatment? It was our interest to behave towards them with the utmost liberality. He confessed himself the more surprised at the alarm which had been expressed by hon. members with respect to the object of this resolution, as it was six weeks since he had mentioned his intention of submitting it to the House; and as not the slightest apprehension had been expressed on the subject in a single petition among the many which had been presented from all parts of the kingdom.

Mr. *Newman* said, he had been informed that a vessel had been chartered at Hamburgh with corn to go to America, and then return to England, bringing that corn into the English market. The idea, therefore, of corn being exported to Canada and imported into England was not wholly void of foundation, as the hon. gentleman seemed to imagine.

Mr. *Lockhart* opposed the resolution, and contended, on the authority of Tacitus, that it was not the interest of the mother country to extend too much protection to the agriculture of a colony. That historian, related that, during a famine in the reign of Claudius, it was discovered that there were only fifteen days' provision in Rome. This created considerable consternation, and Tacitus in describing it mentioned, with great regret and indignation, that in consequence of certain immunities granted to the colonies, Italy, which had formerly exported corn to all her provinces, was left at the mercy of Sicily, Egypt, and Africa, for the daily support and maintenance of her inhabitants. He trusted that the rulers of this country would take a hint from the remarks of that author, and not leave England dependant on any foreign nation whatsoever for a supply of the most requisite necessary of human life.

The resolution was then agreed to.

Dissenters' Marriages Bill.] Mr. *W. Smith* moved the further consideration of the report on this bill. On the motion that, the Speaker do now leave the chair,

Mr. *Robertson* opposed it. He contended, that the Protestant Dissenters were not entitled to the privileges which this bill would bestow upon them, because they were not even so much of Christians as the Mahometans. These Protestant Dissenters denied the divine mission of Christ, which the Mahometans admitted; in proof of this position, the hon. member read several passages from the Koran. He then proceeded to show that even the Jews were better Christians than the Dissenters, and concluded by moving, that this report be taken into consideration this day six months.

Nobody being found to second this amendment, it fell to the ground. The original motion was then put, and carried, and was then committed.

Mr. *W. Smith* in the committee, said he would not reply to the hon. member's observations, for the hon. member shewed himself equally unacquainted with the measure before the House, and with the principles of the Dissenters.

HOUSE OF COMMONS.

Tuesday, May 3.

Combination Laws.] Mr. *Cartwright* rose to present a petition from the master boot and shoemakers of the town of Northampton, relative to the Combination Laws. The petitioners complained strongly of the insubordination of the workmen. They stated, that, some weeks ago, many of the workmen struck for an advance of wages, and remained out of employment for five weeks. The masters then complied with their demand, and all went on satisfactorily for a short time. Since that arrangement, however, the journeymen had struck for a further advance. They had formed themselves into clubs and societies; made various rules and regulations; and exacted fines from their fellow-workmen, if they did not comply with the regulations so framed. The petitioners further stated, that if they continued to comply with the unreasonable demands of the workmen, they must, in the end, give up all their contracts for the army and navy. They attributed their present situation to the repeal of the combination laws last year, and they called on the House to relieve them from the grievances under which they now laboured, by the adoption of efficient measures. This subject, he observed, was now under the consideration of a committee. The occasion was, however, extremely pressing; and he thought something ought to be done in the present session. He, therefore, would ask the right hon. gentleman, whether it was in his contemplation to propose any further measure on this subject during the present session.

Mr. *Huskisson* said, that the hon. gentleman had asked him, whether it was intended to propose any measure this session on a subject which, he agreed with the hon. member, deserved the serious attention of the House—he meant the present state of the country, with regard to the conduct of the workmen, whose practices in forming combinations, were extending themselves to every part of the kingdom. The House were aware that a committee was sitting up stairs, for the purpose of investigating the effect produced by the law of last session. That committee was pursuing its labours with all proper vigilance, and would, he trusted, make a report to the House without the intervention of any great delay. He admitted, with the hon. member, that it was a subject which pressed for decision. It was not his wish, nor that of any gentleman on that committee, to interfere with the meetings, or combinations, as they were called, of those individuals, so far as related to the amount of their own wages. They were at liberty to take all proper means to secure that remuneration for their labour to which they conceived they were entitled—considering the circumstances of a greater demand for labour, or a greater expense incurred in the purchase of provisions. Under circumstances of this nature, they might reasonably ask for larger wages; but they did not stop here. They combined for purposes of the most unjustifiable description: they combined to dictate to their masters the mode in which they should conduct their business; they combined to dictate whether the master should take an apprentice or not: they combined for the purpose of preventing certain individuals from working: they combined to enforce the principle, that wages should be paid alike to every man, whether he were a good workman or a bad one, and they levied heavy fines on those who refused to agree to their conditions [hear]. What he complained of, on the part of the employers, as well as on the part of those who were willing to labour, was, that the persons thus combined not only prevented the employers from carrying on their business with their assistance, but they prevented individuals who wished to work from getting employment at all. He believed that, at the present moment, a great part of the woollen manufactures were standing still, on account of combinations of this sort. They existed in London; and he understood that they had spread through various parts of the country to a very great extent. He did not wish to resort to the old combination laws, or to any measure that would not give equal protection to the employed as well as to the employer. But unquestionably it was necessary that something should be done to remedy the existing evil. The tyranny of the many would, he apprehended, be allowed to be worse than the tyranny of the few; and he must say, that the conduct of those who kept up these combinations threatened to destroy the peace and prosperity of the manufacturing interests. It was undoubtedly time to remove those evils; and he would, as soon as possible, endeavour to do so, by suggesting some efficient means, for the equal protection of the master and the workman.

Lord *Althorp* said, that in the amended law of last session, there was an important omission. It had been forgotten to define clearly what should be the nature of those threats, held out either to masters or to journeymen, that would enable the parties who conceived themselves aggrieved to prosecute. He believed the insubordination was not confined to Northampton. It had extended to Daventry; and, indeed, all over the country. Some alteration should be made in the law, to secure from the effects of threats those workmen who were willing to labour, but who were prevented by an influence of which the present law did not take cognizance.

Mr. *E. Ellice* said, that a report would come down in the course of a few days, from the committee who were investigating this subject; the suggestions contained in which, would, no doubt, have their due weight with the House. Nothing could be more satisfactory than what had fallen from the right hon. gentleman, who had stated, that no intention existed to re-enact the combination laws. Much of the conduct of those people was, he allowed, perfectly unjustifiable. The House ought, however, to recollect the state from which they had been so suddenly relieved; and if the subject were fairly considered, it could not be doubted that the alteration had, in some instances, created great inconvenience, before a just idea of all the effects of the new system could be formed. He was happy to find that it was not intended to call for the re-enactment of the combination laws; and he hoped that whatever measure might be proposed, the interests of the workmen would be well weighed and protected, and that they would not, as before, be exposed to the oppression of the masters.

General *Gascoyne* said, he was not quite satisfied with the statement of the right hon. gentleman. He said, that no intention of renewing the combination laws existed; but, there were other points on which the working classes were equally, if not more anxious. A strong sensation had been produced by a rumour which had gone forth that it was the intention of the committee to interfere with societies and associations called Benefit Societies. Such a measure would excite a much stronger sensation than the mere re-enactment of the combination laws. In many of the petitions which had been presented to the House against the re-enactment of those laws, the petitioners denied that they had taken any part in the illegal combinations that had been spoken of; and they very fairly called upon the House not to visit the errors of the few upon the many. Now, he would ask, was it not justifiable, fair, and legal, if men thought they were entitled to larger wages than they received, to unite together for the purpose of accomplishing their object? Had they not a right to assemble in order that they might the more effectually solicit an increase of wages, provided they committed no act of outrage or violence? In his mind, they had a just right to express their opinions; and therefore he was always opposed to the combination laws. Thirty years ago, so unjust did he think the system, that he had brought in a bill to prevent combinations amongst the masters. In the town of Liverpool there was a body of shipwrights, blockmakers, ropemakers, &c., amounting to 12,000 persons; and he believed it was truly stated in their petition, that they knew not a single instance amongst them, which called for the interference of that House in the re-enactment of those laws. It appeared that they were not to be re-enacted: but he would call upon the right hon. gentleman further to state, whether it was intended to restrain, limit, alter, or to introduce laws, that would operate in any way on the funds of those benefit societies? Those funds were appropriated to the support of those who subscribed to them in the time of sickness; and in many instances they were appropriated to the purchase of tools for workmen, whose tools were not furnished by their employers, and whose finances did not enable them to supply themselves. The Shipwrights' Society, at Liverpool, had existed for thirty-three years. They were building alms-houses; and scarcely a member of that society had applied for parochial relief. When so much good might be effected by such institutions, in the reduction of the poor-rates, he trusted that due care would be taken not to interfere with them unnecessarily.

Mr. *Maberly* was sure that what had fallen from the right hon. gentleman would be satisfactory to the House, and to the public at large. Undoubtedly the working-classes had a right to ask for wages in proportion as the price of provisions was enhanced, or as there was a greater demand for labour; but, it was equally true, that they had no right to combine for the purpose of dictating to an employer how he should select his workmen, what number of apprentices he might employ, or whether he might employ an apprentice at all. He understood that a notice had been sent round to the manufacturers in Aberdeen, forbidding them to take any apprentices whatever. If this were the case, it was a most unjustifiable proceeding. It had nothing to do with the rate of wages, but was a dictation to the master, as to the way in which he was to conduct his business.

Mr. *Philips* said, it had been asserted, that when the combination laws were repealed, all combinations would immediately cease. He did not agree in the position; in fact, combinations seemed to have increased since the repeal. In that House language ought not to be used, tending to encourage combination on either side. Combination on both sides ought to be guarded against as much as possible. The continuance of combination was, in his opinion, much more likely on the part of the workmen than on that of the masters. There was no motive for separation on the part of the former; but the various interests of the latter presented many motives for separation. With respect to what the gallant general had said, he must observe, that a combination had not long since existed in Liverpool, where excessive violence of conduct had been manifested. Very disgraceful acts had been committed by some of those to whom the gallant general had alluded.

Mr. *Hume* said, he believed that what the House wanted was impartial information on this subject. They had as yet received tales from one party, and from one party only; and he would take upon himself to say, that so far as the committee had gone, every inquiry tended to do away with the impression which had been previously made on that House. No excesses had been committed except in Dublin, and there, instead of twenty, only two lives were lost. He would leave Dublin out of the question, and would say, that the evidence before the committee proved that the character of the combination amongst the workmen was entirely changed. Instead of outrage and violence, peace and order appeared in their proceedings. He wished to see the workmen act properly, and therefore he condemned, in the strongest terms, their interference with apprentices, as being entirely contrary to the principle of that freedom of action which they themselves demanded, and which they had gained. Much had been said about the combination of the men; but, was a combination amongst them ever heard of, without there being also a combination amongst the masters? Would not any landholder in that House, who was selling his wheat for 45*s.* a quarter, endeavour, if he could, to procure 50*s.* for it? Nay, would he not keep his wheat back, if he thought he was thereby likely to get 90*s.* a quarter for it? Why, then, should not the man who only received 2*s.* 6*d.* a-day keep back, if he thought by so doing that he could procure 4*s*. 6*d*. a-day? Why should a different system be adopted with regard to the two parties? If a contrary doctrine were maintained, they might introduce laws to raise the price of corn, and to lower the rate of wages. On behalf of the workmen he called on the House to come to no hasty decision, on alleged acts of outrage and violence. If acts of violence had been committed, let them be stated before the committee; which hitherto had not been done. Let not these individuals, on mere assertion, be deprived of that birth-right which they now enjoyed, and which they ought to enjoy under the law.

Mr. *Philips*, in explanation, said, that in consequence of the repeal of those laws, great excesses had occurred. He was an advocate for altering them; but he was at the same time of opinion, that the repeal of the laws would not put an end to all combinations, and his opinion was correct. The hon. gentleman had said, that no acts of violence had been committed. Need he remind him of what had taken place at Glasgow.

Sir *M. W. Ridley* said, he could not allow it to be asserted that the committee had uniformly arrived at that opinion which the hon. member seemed to suppose they entertained. He wished the labouring classes to get as much as they, could, by fair and proper means. They had a right to do so. He would not regulate labour, either by a maximum or a minimum. It was fair that individual labour should have its just reward: but it was another thing, if the workmen proceeded by threats and intimidation. It was a very different matter, if they stepped out of their sphere, and compelled people to work by such and such rules as they pleased. When they adopted that system, it was high time for the House to interfere. He did not wish to forestall the debates to which this question must give rise, nor to state the evidence given before the committee; but he must observe, that those who demanded a quick decision on this subject, ought to recollect that it was necessary to hear both sides. It was necessary, after they had heard those who were complaining, that they should then hear the workmen in their own behalf. With respect to what the gallant general had said, he would merely observe, that not a word about regulating benefit societies had occurred in the committee. What the committee might hereafter recommend, he could not say; but up to this hour, nothing had been proposed for regulating friendly or other societies.

Lord *A. Hamilton* said, he was surprised when gentlemen declared that they had heard of no violence. To his knowledge, one man was now at the point of death, in consequence of the beating he had received from the colliers of Stirling, because he had ventured to take lower wages than the members of the combination thought fit to accept. One of the weavers of Glasgow had also been sentenced to a public whipping, and to transportation for life, for an attempt at assassination. The learned judge before whom he was tried stated, that if lord Ellenborough's act had extended to Scotland, he would have been sentenced to death. He was a friend to the workmen; and he now spoke in behalf of that large body of individuals, who had taken, or who were ready to take, less wages than the associators thought they should. He called on the House and the country to protect them in the right—a right which was denied them by the combined workmen—of appreciating what their labour was worth. He could not see what was going on in Stirlingshire, Renfrewshire, and Lanarkshire, between two classes of workmen, without feeling the necessity of adopting some measure for the protection of those who were now oppressed by their fellows. On the principle, that every man had a right to bring his labour to the best market, he stood up in defence of a class of persons who were not permitted to do so, but were kept back by threats and violence. On the very same principle which hon. members had advanced when they demanded the repeal of those laws, did he now call on them to protect this wronged class of persons, who were not suffered to work, because they were willing to accept a smaller remuneration than those who were combined together. The combination was not only injurious to the liberties of a large body of workmen, but was exceedingly prejudicial to the interests of the masters, and of the country in general.

Mr. *Baring* expressed his hope, that his right hon. friend would not give any answer to the question which had been put to him; because at that moment the inquiry, on which any future proceeding would be founded, was going on in the committee. The measure of last year had passed through the House with a very general feeling in its favour. But, in his view of the subject, the mere crude simple repeal of those laws was one of the most mischievous measures that the House ever agreed to. It would not now be so easy to place this question on a sound and proper footing as it was last year. The immense alteration that had been at once made would prevent this. The consequence of that alteration was, that every description of trade had been dictated to in the most arbitrary manner; and, if proper measures were not adopted—if this system of combination were suffered to extend—the consequence must be, that it would itself effectually destroy the whole manufacturing interest of the country.

Ordered to lie on the table.

Roman Catholic Claims.] Mr. *Denman* said, he held in his hand a petition in favour of the Catholic Claims, from the corporation of Nottingham; whose members, in common with many gentlemen in that House, had been made converts to that cause by the lights and information which had been recently afforded on that question. It was well known that this was a whig corporation, and that it had been at the Revolution the very first corporation to congratulate king William on his arrival in this country. He was happy, therefore, to see such a body petitioning parliament for the removal of those laws, which might have been rendered necessary by the circumstances of the time, but which there was no longer an excuse for continuing. They prayed the House, that the Catholics should be admissible to the fullest possible extent of privileges which the constitution could confer; and, as they claimed the right of serving their country in every station which they shall be found fit to fill, so would they open the door equally to all classes of his majesty's subjects to do the same. The petitioners were quite satisfied that the penal laws now in force were unjust and unnecessary. They discovered danger only in the withholding of the measure. They called for no securities, being perfectly persuaded that none were required. Should any measures of regulation be thought necessary by parliament to accompany the bill of relief, they would leave it to the legislature to provide those measures. But, whatever might be the opinion of parliament, on that point, they should not change their conviction of the necessity and policy of granting the measure of relief without delay. The petitioners observed a distinction, which unfortunately was too much forgotten in the discussion on this subject; namely that eligibility to office was a very different thing from admission to office. If Catholics were declared to be admissible to power, it by no means followed that any one of them would enter into office. The means of removing disability might, perhaps, be followed by the professional advancement of an individual of high distinction at the bar of Ireland, to a situation which the law at present prevented him from holding. This promotion, however, by no means followed as a matter of course, but must be regulated by the discretion of those in authority, who could as effectually keep back individuals from that promotion, as if a law of disability existed against them. He would remind the House that there was, for instance, an hon. and learned friend of his, (Mr. Brougham), who was perfectly eligible to honour any rank in his profession. Yet he was excluded from it; not indeed by operation of law, but because it seemed fit to the disposers of those honours not to put that gentleman in an office, which his experience entitled him to expect, and which by his abilities he was so well qualified to adorn. Was not this a proof that there could be no danger to the state, from the mere eligibility of Catholics, because, as was seen in the case of his learned friend, their admission to office could at all times be controlled by persons the most interested in, and the most capable of, understanding the source of danger to the state.

Ordered to lie on the table.

HOUSE OF COMMONS.

Wednesday, May 4.

Combination Laws.] Sir *M. W. Ridley* presented a petition, numerously signed by shipwrights and mariners of Kingston-upon-Hull, against the Combination laws, and praying that the petitioners might be heard before the committee appointed to inquire into the effect of their repeal.

Mr. *Sykes* heartily concurred in the prayer of the petitioners. It would, indeed, be great injustice, if the committee now sitting up stairs, and taking a great deal of evidence from the masters, should take none from their journeymen. At present, these shipwrights and seamen were in a state of the most cruel alarm.

They believed that some measures were pending in parliament intended to limit the rates of their wages: they complained of the high price of corn and provisions, at the same time that they expressed their alarm about its being intended, as they seemed to suppose, to fix to them such low wages that it would be impossible for them to afford to supply themselves with corn. He had corresponded with the secretary of a society of mechanics at Hull, and had given it as his opinion, that the labouring mechanics had a right to congregate for the purpose of fixing the price of their own labour, although it would be illegal to attempt any coercion upon their employers. In consequence of this representation, above 800 or 900 men had returned to their work. He trusted that parliament would never attempt to prevent either the masters or workmen from combining for the purpose of fixing the rate of wages. Much anxiety and alarm would have been saved, if, instead of parliamentary interference, the subject had been left to the settlement of the masters and their workmen.

General *Gascoyne* said, he had several petitions to present on the same subject. The petitioners stated, that no combinations existed among them now, of a character different from that which usually attached to former combinations. They complained of the necessity which the high price of corn imposed upon them, of demanding proportionate wages for their labour; and expressed an apprehension, that parliament intended to examine into their funds. Now, upon this intention, which he thought it would be exceedingly impolitic to act on, he had put a question to his right hon. colleague, and having received no answer to it, he was rather disposed to listen to the apprehensions of these petitioners. He could not go the whole length with the petitioners, as to the rights claimed by them. On the other hand, he did think that journeymen or seamen, if they thought they did not receive sufficient wages, had a right to strike, and carry their labour to a better market; but he could not allow that they had any right to dictate to their masters what men they should employ, or the wages they should give.

Sir *M. W. Ridley* begged it might be distinctly understood, that in the committee up stairs, the question of benefit societies, to which the gallant general had made allusion, had never been discussed. He considered, for one, that these combinations went much further than the mere regulation of wages; and if, as it was sated, they proceeded to dictate to the masters what hands should or should not be employed, there was an end to that free labour which these very persons were so interested to preserve inviolate, and a sufficient case for the interference of parliament.

Mr. *Denman* rose to present a petition from the mechanics of Walsall, praying that the House would not re-enact the combination laws. As it had been stated, that no intention existed to bring those laws again into operation, he should not say any thing on that subject; but he begged to call the attention of the House particularly to that part of the petition, in which the petitioners stated that they believed many of the allegations made before the committee now sitting were not true; and requested, even supposing that they were true, that the errors of the few might not be visited on the many. He conceived that a more just request could not be preferred to parliament. On a former occasion he had stated, that, in his opinion, the statutory provisions created by the combination laws, which had been repealed, were unnecessary for the punishment of the offence of combination, where it was so conducted as to call for punishment. To that opinion he still adhered. He thought that the common law of England was quite sufficient to punish any substantive offence committed by the workmen against their employers. It seemed to him to be of importance that the House should not appear to prejudge this question, on one side or on the other; and therefore he had heard with great pleasure, on the preceding evening, the declaration made by several gentlemen, that they would keep their minds perfectly free from prejudice. But, he confessed he was a good deal surprised when an hon. member (Mr. Baring) spoke of the repeal of the combination laws, as a most crude and hasty measure, and one that was calculated to create immense evil. This, he conceived, was advancing a very hasty opinion on what had been done, and indicated a readiness to prejudge the question. The measure adopted, it should be observed, was not adopted in a hurry. A long and serious consideration was given to the subject, before the committee decided that those laws ought to be repealed. His opinion was, that combination laws were very properly repealed; for they produced no good, but gave birth to much evil. There was one clause alone in the act for their repeal, of the usefulness of which he entertained any doubt: and that was the cause relative to summary convictions. How those who framed the bill admitted the power of summary conviction at all surprised him. He had formerly asked his hon. friend (Mr. Hume) a question on this point, and he had stated, that it was the unanimous wish, both of the masters and the workmen, that this power should be granted. Now, he thought the House should have paused, notwithstanding the wish of these parties, before they acceded to such a provision. When it was necessary to call for the interposition of the law at all, it should be through the medium of a judge and jury; according to the course pursued in the ordinary administration of justice. Another provision of this law was, that when a summary decision took place, the individual convicted should not be liable to punishment for the same offence, under the enactments of any other law, or by the common law. But, a workman committing an offence might bring it before a magistrate by means of a friendly information. If he refused to give judgment on the case, great evil and confusion must follow; and if he convicted the accused party, that party would receive a very slight punishment, for perhaps a very great offence. It was a mistake to suppose that the act provided, that offences could only be proved by two or more witnesses: that only related to summary convictions; for, if the offence were prosecuted at common law, it must be supported by witnesses in the ordinary way. He meant to give no opinion on the measure which ought to be, or would be, recommended in the committee upstairs; but, he entered his protest against the eagerness with which some gentlemen seemed to seize on any statements that were prejudicial to the character of the workmen. Those individuals had a right to call on gentlemen to suspend their opinion, since they had not yet been heard before the House or before the committee; and the petitioners, in this instance, prayed that they might be heard, before any measure affecting their interests was determined on.

Mr. *Hume* said, that the proposition for a summary process did not originate with him: so far as regarded himself, he had nothing to do with it. But he must say, that, with the exception of one individual, the whole of the committee was desirous that provision should be made in the bill for granting this summary power; and that with the express sanction and desire of the workmen. He did not wonder that, out of doors, the operation of the repeal of the combination act was condemned, when he found the hon. member for Taunton stating, that, from the crude and hasty manner in which the repeal had been effected, much mischief had ensued. But, what would the hon. member say, when he told him, that not one statute which was directed against the use of threats or violence had been repealed by the act of the last session, with the exception of a single act? Under the forced construction of that act of parliament, which was denominated the Conspiracy act, any three or four workmen meeting together, for the purpose of inquiring into the state of wages, were liable to be severely punished; and more grievances had been suffered by the workmen in consequence of that measure, than it was possible to describe. Men ought to be at perfect liberty to meet and to consider what amount of wages they ought to receive, provided they committed no act of violence, or intimidation. If, therefore, the act of last session only repealed the act he alluded to, and admitted the men to meet peaceably for the purpose of adjusting their interests, what ground had the hon. member for the complaint which he had made? Under the act to which he had alluded, three or four men who were found sitting together with some papers before them relative to wages, had been most severely punished. One of them was imprisoned for a year, another for fourteen months, and the third for nearly two years. Surely such a statute should not be suffered to remain in force.

Mr. Secretary *Peel* observed, that as this subject was now before the committee, he should offer no remarks on what ought to be done. It was infinitely better, he thought, to postpone any observations on the prospective measures, until the report of the committee, and the evidence on which it was founded, were laid before the House. He certainly never inferred from what the learned gentleman had stated, that it was his opinion, that the common law of the land was sufficient for punishing any offence which the workmen might commit in endeavouring to control their masters. On that point, in his opinion, a very serious doubt might be entertained; and this was one reason for coming to a clear and plain understanding on the question. The second clause of the act of last session appeared to him to be most curiously worded. It seemed to repeal both the statute and the common law on this subject, and to declare to the workmen, that it was a very proper act to combine. It enacted that journeymen, or other persons, combining to regulate the mode in which a manufacture should be carried on; or to prevent persons from bringing home their work at a certain time; or to seduce persons to quit their master's employ before the term of their contract is expired, "shall not be subject or liable to any indictment for conspiracy, or any other punishment whatever, under the common or statute law." What, then, became of the position, that the common law was sufficient to meet and to punish those combinations? The common law, as well as the statute law, was here repealed. The clause did not say, "as summary punishment of two months' imprisonment may be awarded under this act, therefore those parties shall not be liable to indictment under the statute or common law." This he could understand. But here there was a total repeal of the statute or common law, without any modification. Let the House mark the situation in which this clause placed individuals. Suppose an employer, against whom his workmen had committed an offence, was not in a condition to take advantage of this summary process, which required two witnesses; why, in that case, the act of last session having repealed the common law, he must go without redress. This part of the bill, which removed the common law as it respected combination, should be altered. He could not but think that the whole was a very hasty and precipitate proceeding.

Mr. *Scarlett* said, he had always been of opinion, that the House should have paused, and most maturely weighed the measure, before they agreed to the repeal of those acts. When his hon. friend the member for Aberdeen, consulted him on this subject, he stated it to be his opinion, and to that opinion he still adhered, that the common law provided sufficiently for putting down combination, properly so called. But, when he afterwards looked at the act which had been passed last session, he found that the common law was repealed; for he saw nothing there to which it could be applied, except in cases where a breach of the peace had been committed. There alone could the common law be brought into action. This subject deserved much consideration. He would ask, were the workmen the proper judges of the benefit and expediency of altering the mode in which any trade was carried on? Were not the masters, who had expended their capital, more likely to understand what was most beneficial for all parties? And yet, under the state of the law as it now stood, the men might combine to regulate a free trade; and if they committed no breach of the peace, they might go free from any punishment whatever. This was a matter of deep and serious consideration, and he hoped the committee up stairs would pay due attention to it. They ought either to restore the common law to its original vigour or make some specific provision to meet this evil.

Mr. *Baring* said, that after what had fallen from his hon. friends, he felt it necessary to request the attention of the House for a few minutes. He certainly still retained the opinion which he had expressed on the preceding evening; namely, that the sudden repeal of the combination laws, considering particularly the terms in which they were repealed, had been productive of the greatest possible mischief. It was impossible not to see, from what was going on in the world, that instead of the system of combination being mitigated by that repeal, it had been extended to a degree which seriously threatened not only the peace of the country, but the destruction of all its great interests. No person, with his eyes open, could doubt this. Many of the workmen who had been examined before the committee up stairs were most respectable persons. More prudence, sense, and good conduct, he never saw displayed in his life, than was manifested by them; and the manner in which they gave their evidence proved how far information had made its way amongst that class of the community. But, they seemed to think it a praiseworthy thing to join in those combined bodies, and to direct their masters how to carry on their trade. Now, surely, it could not be expected that men in business would submit to this. Whether the mere restoration of the common law would be sufficient to meet this evil, he could not say. On that point he would give no opinion. It was, however, a matter of most serious importance. He had read the evidence, when he had not an opportunity of attending the committee; and he must say, the doubt on his mind was very great, as to the remedy which ought to be applied to the evil. The common law, it appeared, could only be resorted to where actual violence was committed; but the House must be aware, that many things might be done, short of violence, that were extremely injurious. Several of the witnesses had been examined as to the means they employed for preventing men from working where there were apprentices, or where any other circumstance of a nature obnoxious to their displeasure existed. They were asked, "When you struck, did you use any violence against those who continued to work?" They answered, "No." But when they were pressed, the answer was, "We made their situations uncomfortable." This was elicited from them; and certainly such a course of proceeding was a very strong grievance to the persons thus treated. He could assure the House that he had not prejudged this question. He had done any thing but arrived at a decision on it. He could not point out what ought to be done; but he was strongly convinced, that something should be done; at the same time that he was perfectly aware of the difficulties by which the subject was surrounded. Again, he must say, notwithstanding the rebuke he had received, that he thought the repeal of last year was a hasty measure.

Mr. *Hudson Gurney* said, it had been most clearly proved before the committee, that the combination laws did not prevent the evils complained of. He could not, therefore, be of opinion, that the repeal of those laws could have had the effect of increasing combination.

Mr. *John Williams* said, he would not pronounce any opinion as to the propriety of permitting the ancient common law of the country to be revived with reference to this subject. If it were true, that since the repeal of the combination laws there had been an increase of combination through the country, he could only draw one conclusion from the circumstance;—namely, that all legislative interference was vain. It appeared that offenders were still liable to punishment, where they broke out into acts of violence. Now, he did not believe one word of the statement, that there was an increase of combination in consequence of the repeal of those laws. The right hon. Secretary and his hon. friend, when they spoke of an increase of combination, must have alluded to combination connected with acts of violence; because, the ordinary system of combination—the carrying on of correspondence between different bodies of workmen—had long been prevalent throughout the country. The right hon. Secretary must know, that the workmen, for the last twenty years, were in the habit of laying their heads together in the best manner they could, for the purpose of accomplishing an increase of wages. Therefore, if what the right hon. gentleman and his hon. friend had stated contained any thing new, it must refer to the fact, that combinations had recently assumed a more serious aspect than formerly, from the employment of force. If that were the state of the case, then, he said, that the law as altered left the power of punishing, under such circumstances, precisely as it was before the act of last session was passed. If this position were correct, then he came to this conclusion—that they might legislate as long as they pleased without effecting any good object. The evil must be cured by some good understanding between the men and the masters—by the adoption of good conduct and temper by both the parties. In his opinion, if the observations of the right hon. Secretary of state were correct, there was no use in legislating at all. He had had some experience in matters of summary jurisdiction in the county where they most prevailed, and his solemn belief was, that the habit of running to the magistrate on the heat of the occasion, where the act complained of was not of importance sufficient to allow the party to go into a court of justice, had not only done no good, but had produced much mischief, by increasing the irritation between the parties.

Mr. *Sykes* defended the conduct of the last committee from the charge of precipitation, which had been brought against it, by the right hon. Secretary. He begged leave to warn the House how they legislated on this subject; since, so long as there was human society, combination would undoubtedly exist.

Mr. Secretary *Peel* denied that he had attributed precipitation to the committee. They had sat for fifty days, which was a proof that they were not precipitate.

What he had said was, that the legislation on this subject was precipitate; and certainly he could not adduce a better proof of that fact, than by again referring to the clause, by which it was provided, that any combination to induce a man to leave his employer, before his term was expired, or to delay returning to his work, should not be punished by the statute or common law. What was the inducement used? It was the fear that the situation of the individual, who was to be acted on, would be made uncomfortable if he did not comply. He had never said that the combination laws were sufficient to put down the evil. He had known cases of combination, which the combination laws could not put down. Therefore, he did not call for their renewal: but, certainly, something ought to be done to check the evil which was now in active operation.

Sir *J. Newport* said, the great ground of complaint was, that those parties not only regulated what they would take themselves, but wished to compel others to do precisely as they did. Now, this was any thing but freedom of trade. It was true they used no violence; but they resorted to such inducements as effectually prevented a free decision on the part of those to whom they applied. Let the House look to the extent to which this system was carried in Ireland. When any body of men combined there for wages, and wished to prevent others from working, they did not use their own individual force to effect that object, but employed branches of other trades who were not in immediate action, and made them the instruments for punishing those who refused to obey their orders. Such a state of things could not exist without doing material injury. Every person should be at liberty to demand the value of his own labour; but no individual had a right to say, "I will not work under such a rate of wages, and therefore you, though willing, shall not." He could not help thinking, that the clause which had been referred to contained very soft words, which would almost have the effect of inducing individuals to combine, and to withdraw themselves when they pleased from the contracts they had entered into. The system which was now carried on would not only be injurious to those who were forced to quit their employment, but to the interests of the parties who combined. If men combined, and demanded wages, which, if the masters granted, he would be unable to supply his customers with goods at a reasonable rate, he must give up business; and thus, those misguided men would bring down ruin on themselves and families, by destroying the branch of manufacture in which they were employed.

Mr. *Denman* expressed his concurrence in what had been said regarding the word inducement used in the report. He thought it far better to leave the matter to the old common law, since legislation appeared totally useless.

Mr. *Scarlett* said, that in Yorkshire he had often been consulted on the subject, and had always advised the parties to proceed by the common law. He agreed, that none of the statutes, giving summary remedies, had answered the purpose for which they were intended.

Mr. *Hume* was of opinion, that combination ought to be allowed, while it was unattended with violence or intimidation. The whole bar, in fact, conspired only to take a certain rate of fees. If any barrister consented to take less, he was immediately sent to Coventry by the whole profession. Such instances had occurred, and with one at Bombay he had been particularly acquainted.

Mr. Secretary *Peel* said, it was quite obvious that some regulation was necessary. Not two hours elapsed in any day that he did not receive a communication on this subject. As a specimen of them, he would state the last which had just come to his hands. It was a set of resolutions adopted, on the 13th of November 1824, by the operative coal-miners, who, after appointing a regular delegated body, ordained, that no person should be allowed to work as a coal-miner, unless he had been engaged in the trade from the age of sixteen. This, and other resolutions, were said to be adopted in order "to support the welfare of the profession" [a laugh]. This was an abominable assumption of power, the effect of which was opposed to the interests of the country generally, and would eventually bring down ruin on the manufacturers themselves.

Mr. *Hume* presented a petition from 6,000 operative mechanics of Birmingham, against any change in the Combination laws. He admitted that the proceedings to which the right hon. gentleman had referred, were extremely ridiculous, and might prove very detrimental to the interests of the parties. He felt satisfied, however, that the good sense of the great body of mechanics would lead them to avoid such a course. He hoped that the time was not far distant, when a better understanding would be permanently established between the men and their masters.

Ordered to lie on the table.

HOUSE OF LORDS.

Thursday, May 5th.

Roman Catholic Claims.] After numerous petitions had been presented to the House, both for and against the Concession to the Catholics,

Earl *Grosvenor* said, he would call their lordships' attention to the petition from Portland, which he had not an opportunity of doing sooner. That petition had been brought forward, as he was informed, by persons who had taken a great deal of trouble to procure petitions against the Catholics. It purported to speak the sentiments of the inhabitants of the island of Portland, but it did no such thing. The recorder of Weymouth, Mr. Bankes, had been exceedingly active in the business. The people were hastily summoned on a Saturday evening, and told that they must sign the petition immediately, in order that it might be forwarded. It was, however, signed but by a very small proportion of the inhabitants of the island; and some who had been frightened by the ghost of the bloody queen Mary to put their names to the petition, now very much regretted their weakness. Indeed, according to the information he had received, this petition might, with much more propriety, be regarded as the petition of the earl of Eldon and Mr. Bankes, than that of the inhabitants of Portland.

The *Lord Chancellor* said, that the course adopted with respect to the Catholic claims was not a little singular. Some time ago, because no petitions were presented, it was said that the people of this country took no interest in the question; but now, because not only the table was covered with petitions, but the repositories of the House filled with them, until it was almost impossible to tell how to dispose of them, it was asserted that they did not express the opinion of the public. Some noble lord every night repeated an account he had received of the manner in which some petition had been got up; but it generally proved, as he believed was the case in the present instance, that the information was incorrect. He had on a former occasion stated, that he had been quite passive with regard to the present measure, and had in no way promoted petitions. This, he repeated, had been his conduct; and he could safely say that the petition from Portland might with just as much truth be called earl Grosvenor's as the earl of Eldon's. The account of the signing of the petition which he had received was, however, very different from that furnished to the noble lord. Mr. Bankes had informed him, that there was very little difference of opinion in the island as to the question. The petition, instead of being signed only by a few, had 400 names attached to it; which, he was informed, constituted nearly the whole number of the inhabitants. And here he must observe, with respect to this question, that, from first to last, he had always had the fullest conviction, that the sense of the people of this country was against the Catholic claims. In the course of the discussions which had taken place, he had heard nothing to induce him to alter his opinion, except the very strange reasoning, that, the greater the number of petitions against the Catholic claims, the less was the evidence of disapprobation. He had now stated his opinion with regard to the public feeling on this question; but he had not, whether he was right or wrong in doing so, stirred at all in procuring petitions.

HOUSE OF COMMONS.

Thursday, May 5.

Repeal of the Duties on Beer.] After sundry petitions had been presented against the Duties on Beer,

Mr. *Maberly* rose, pursuant to notice, to submit to the House a proposition for the repeal of the Duties on Beer. He observed, he said, with satisfaction the many applications which had been made to the House, praying that those duties should be removed; but, if there were not a single petition before the House on this subject, still he thought parliament was bound to alter the system which now prevailed, and to grant relief to the great body of the people. It was the duty of the legislature to act with impartiality; and he would say, that if ever there was a statute passed that was partial in its operation and contrary to justice, it was that which imposed the existing duties on beer. He had heard the chancellor of the Exchequer and the right hon. the president of the Board of Trade declare, that they wished to adopt a system of liberal policy in every respect; and from what he had seen, he believed their anxiety to do so was sincere and disinterested. After the liberal opinions he had heard them express on different occasions in that House, he had a right, he thought, to feel sure that he should have their votes that night. There was but one difficulty which stood in the way of his motion: there was but one argument which the gentlemen to whom he had alluded could advance against it; namely the loss which the revenue would sustain. The principle they must give up to him, unless they turned round on the arguments used by themselves in the course of the session. If they wished to do justice, this tax, if it must be continued, should be made to bear equally on all classes. It was unfair that it should fall heavily on those who were least able to afford it, while it did not touch the opulent part of society. It was probable that the House, in general, would not understand the situation in which the country stood with reference to those duties, unless he entered into some little detail on this subject. At present, there was a tax on malt of 20*s.* per quarter: but the House would recollect, that the effect of that tax was very different on those who brewed their own beer, when compared with the effect of the beer duties on those who purchased the beverage from the brewer. The rich man could brew his own beer; but the poor man, who had neither premises, capital, skill, or time, could not. He therefore was deprived of the benefit which the opulent man enjoyed. The beer duty was, in fact, a tax on the poor individual, from which the wealthy individual was exempted. He demanded of the House, whether they would continue to support so unfair and unjust a principle. The duty on beer was very considerable. It produced annually, 3,281,000*l.*, which was charged with 295,000*l.* for collection. This was chiefly contributed by the poor; and he knew not how any man could reconcile it to his conscience, to vote against a motion which was intended to lighten such a serious burthen. The rich man paid 20*s.* per quarter for his malt. That was the only tax levied on him. But the poor man had to meet a double duty—20*s.* malt duty, and 35*s.* beer duty; making a total of 55*s.* If the calculation were made by the bushel, the rich man paid 2*s.* 6*d*½., while the poor man paid 6*s.* 10½. He would ask, was this a just measure of legislation? Was it fair or proper? Nothing tended more to bring legislation into disrepute, than a proceeding so unjust and partial; and therefore some measure ought to be taken to place this tax on a proper footing. The duty ought either to be removed altogether; or it should be put on in such a manner, that every class should pay alike. As the law now stood, the rich man paid 5*s.* for that which cost the poor man 15*s.*; the latter paid 4*d.* a gallon more for beer than the former.—With respect to the plan for introducing a new beer, which the chancellor of the Exchequer had endeavoured by a legislative enactment to bring into use, he believed it had not produced the contemplated effect; as, in the course of the year, but fifteen thousand barrels of beer had been brewed under that act. These duties, although in the opinion of some gentlemen they might be so unimportant as to need no alteration, were founded upon a principle which could not stand the test of examination. They enforced from the poor man, a tax of between 200*l.* and 300*l.* per cent more than was paid by the rich. To the latter, the article of beer was a luxury; to the former, it was one of the indispensable necessaries of life. The poor man required something more than the bread and cheese by which he supported his existence. He required some liquor; and none was better for the purposes of nourishment and refreshment than beer. The effect of spirits upon the lower classes of the community was known to be most injurious and demoralizing. Upon this statement, he asked, then, whether the House could resolve any longer to continue a tax, so partial in its operation, and which weighed so heavily upon the poorer classes? It had been said by some of those who were opposed to the view which he took of this subject, that the poor man might brew his own beer, and thus exempt himself from the payment of this tax. The poor man could do no such thing. To brew required time, which he could not give; it required money, which he did not possess; it required space, which he could not command. He was probably the inhabitant of a garret, and his daily earnings only enabled him to provide for his daily necessities. Where, then, and how was he to brew beer? He had, in reality, no option at all, and no means of avoiding the payment of this unjust and burthensome duty. There was, however, a means by which the weight might be removed: and that was, by placing the duty on malt instead of on beer. The expense of collecting the duty on malt was now 300,000*l.* per annum. If the alteration he recommended should be adopted, this sum would be saved to the country; because, although the duty on one was 20*s.* and on the other 40*s.*, the expense of collecting would be the same. Upon the subject to which he now called the attention of the House, he had twice before approached it. He had then, as he trusted he had done now, treated the subject fairly. On the first occasion, in 1823, he had asked only for a committee to inquire into the matter, and he had given the right hon. the chancellor of the Exchequer an opportunity, if he had chosen to avail himself of it, of doing what must have given satisfaction. The House then said, that the duty was so just, so fair, so proper, that there ought to be no inquiry at all; and this, too, at the very moment when the right hon. gentleman was dabbling (if he might use that expression) with a measure he had since carried respecting beer, and which, although it had done some good, had fallen far short of the remedy which the subject required. At the same moment, too, that the House rejected the inquiry for which he moved, there was lying on the table a petition from Scotland, in which doubts were expressed of the possibility of levying the duty. His wish for a committee arose from the experience he had had of the usefulness of such inquiries; for, perhaps the most valuable and correct information that had ever been obtained on any subject had been through the Committees of that House. In the following year (1824), he had proposed a committee to inquire into the expediency of substituting the tax on beer for a tax on malt of the same amount; and this, too, had been refused. If, therefore, in again approaching the House on the same subject, he should vary the terms of his proposition, he hoped he should stand excused. The motion he should now submit was much stronger and more extensive than those he had before suggested; but the evil was one which required a strong remedy. His motion would be, that from the 5th of January next all the duties on beer should cease. The inquiries he had asked for had been refused, and there was nothing left him but this course. If the principle of the tax against which he contended was right, why was it not followed up in other instances? Why were not tea, candles, soap, leather, glass, wine, and tobacco, all taxed in the same manner? Would the right hon. gentleman dare to put in a schedule to any bill that he should have to propose, such items, as that the poor man should pay 6*d.* a gallon duty on his beer, while the rich man paid only 2½*d.*? And yet, this was the actual operation of the present law. It had been urged by way of excuse for this tax, that it prevented the mixing of noxious ingredients in beer; but if this were really the reason, why was it not applied to wine or tea; or why were not the consumers left to the exercise of their own judgment and taste in that as in other things? The system, as it existed, encouraged a monopoly, if not to the brewer, at least to the retailer, by means of the licenses. All the reasonable good that could be expected to result to the police of the country, would be from having public-houses placed under a proper surveillance; and this might be effected, by allowing officers to visit the houses in which beer was retailed, to prevent their being made the resort of improper persons. If this were admitted, the House could not refuse to come to the decision, that the sale of beer ought to be as free as that of any other commodity. It would be said, perhaps, that to take off this tax might interfere with what the right hon. gentleman called a sinking fund, but what he (Mr. M.) denied to be any such thing; because that only could be called a sinking fund which was an actual surplus in the revenue. He contended, that the debt was now twelve millions more than it had been in 1815, and that this was occasioned by the dead-weight act. If he had not already pointed out the injustice of the tax on beer, he would refer to the reduction which had been made in the duty on spirits, and which, as they were less necessary, ought to have been postponed in the course of relief to beer. He knew the right hon. gentleman would say that his object in this had been to put a stop to smuggling; but in this he had not succeeded, because the motive still remained strong enough to induce the practice. Looking at the subject, then, in this point of view alone, the people had a right to ask for a reduction. It would not, perhaps, be readily believed, but the fact was so, that the right hon. gentleman and his colleagues, in their chambers in the Treasury, fixed the price of table beer. Nothing could, in his opinion, be more absurd than this. They might with as good reason fix the price of bread, as interfere with another article not less necessary, nor of less common consumption. After the opposition he had already encountered, he was prepared to believe it possible that he might lose the present motion; but he should nevertheless feel it his duty to take the sense of the House on the resolution, unless the right hon. gentleman would allow the subject to go before a committee. He concluded by saying, that he hoped, if he were defeated, that his labours would at least have the effect of convincing the House of the injustice of continuing this burthensome tax on the people, and that some other more fortunate person would propose a measure which, if it did not do away with it altogether, would divide its weight equally between the rich and the poor. The hon. member then moved, "That from and after the 5th of January, 1826, the Duties now imposed on Beer do cease."

Mr. *Brougham* said, that in rising to second the motion of his hon. friend, he could add little to what had been so ably urged by him. He felt, however, compelled to mention once again, in addition to the hardship on the poor man of paying 50*s.*, while the rich paid only 20*s.*—it was, indeed, rather more than this; for the duty on beer exceeded 30*s.*, and that on malt was only 20*s.*—that other tax which he was compelled to pay by reason of the retail trade not being free. Why the sale of beer should be placed on a different footing from that of any other commodity, it was impossible reasonably to conceive. Why it should be exposed to the operation of a restrictive tax so barbarous that it could not be equalled by any in the world, excepting that most barbarous Spanish tax of al cabala, no man could offer the semblance of a pretext. It was wholly impracticable for a person desirous to trade in beer by retail to do so; unless he made friends with the brewers, who had influence with those worthy persons the magistrates, by whom, in various parts of the country, the regulations were framed relative to licences. He knew he spoke this in the hearing of many worthy friends of his, who belonged to that class by whom beer was prepared for the use of his majesty's subjects, and he knew also that they had certain prejudices on this subject; but, if the duty were taken off, he believed those prejudices would be, in a great measure removed, and that they would consent to the freeing of the retail trade in beer from the present restrictions. To the persons interested in growing malt, this would be a decided advantage, because it would encourage the growth of grain upon middling land, which was at present used for grazing, and would thus materially benefit the open and barley countries. Another advantage attendant upon throwing the trade open, would be found in providing the poor man with a cheap and wholesome beverage, which he might procure without the inconvenience of sending his daughters or other females of his family to the public-house, to encounter all the inconveniences which at present could not be avoided. Gin would be, in a great measure dispensed with; and his notion was, that the more the beer-shops could be brought into competition with the gin-shops the better. He thought, too, that the duty on beer was peculiarly burthensome and unjust upon the poor, at this time, when the duty on wine had been reduced. He said nothing with respect to that upon spirits: God forbid that he should! He would rather even that the duty should be kept up unnecessarily high upon them: he would rather even that the natural liberty of the people should be in such a degree infringed upon, than that any facility should be afforded to the consumption of spirits; always, however, keeping the duty so high as to prevent the encouragement of private distillation, which of the two evils was the greater. He was sure that by encouraging the consumption of beer, the gap which the loss of the duty might occasion in the Exchequer would very soon be filled up. He gladly seconded the motion of his hon. friend. Whatever might be the fate of that motion, he trusted that his hon. friend, would bear his ill success with patience; from others he might learn fortune; but from his example, and from that school of disappointment in which they had both been exercised, he might be taught not to relax his labour and perseverance in a cause which was worthy of them.

The *Chancellor of the Exchequer* said, he had been compelled to oppose the former motions of the hon. gentleman, because there was nothing in the subject which required an examination by a committee. Now, the hon. gentleman proposed to place the beer duty on malt; and on this he would make a few observations. As to the total repeal of the duty without any substitute whatever, he did not feel called upon to argue that question; because the hon. gentleman himself did not seem to think it was practicable to take off three millions. A few weeks ago the hon. gentleman had proposed the reduction of the window-tax, amounting to 1,250,000*l.* The same arguments which had been used against that measure applied to the present motion; and he did not think the House would wish to listen to a repetition of them. He was aware that in so immense a system of revenue as ours, there might be very sound objections brought against many branches of it; and this might, perhaps, be stated of all; but, beyond this general fact, the argument could not be urged. The petitioners probably believed that the substitution of the beer duty on malt would materially reduce the price of beer; but he should be able, he thought, to satisfy the House, that this would not be the case. The beer duty produced at present 3,000,000*l.* per annum. To raise this tax by the substitution proposed, it would be necessary to lay an additional tax of two shillings on the thirty million bushels of malt which must be consumed; this would raise the price of beer 10*s.* per barrel of 36 gallons, or about 1d. per quart. If, therefore, he admitted that the objections of the hon. gentleman were valid against the inequality of the present duty, still the burthen would rest as it did now, upon the consumer, who, although he would have the satisfaction of knowing that his neighbour paid more, would himself pay nothing less. Now, he could not admit that this tax was paid by the poor classes of the community exclusively, or chiefly. In London, a great portion of the consumers of beer were not of this description; and in the country, a great number of families were in the practice of brewing their own beer. Upon them this substitution would fall very heavily. The hon. gentleman had assumed, too, in his calculation, that the beer consumed by the rich and the poor was of the same strength—that it took, in all cases, only one quarter of malt to make three barrels and a half of beer. On the contrary, the beer of the rich man, whether he drank it himself or not, was much stronger than that brewed for ordinary consumption. In this point of view, therefore, the calculation of the hon. gentleman as to the inequality, was erroneous. The hon. and learned gentleman had said, it would be highly desirable to give greater facility to the retail trade. He agreed with him. It was that opinion that had induced him to bring in a bill to accomplish that purpose, and which he had got the House to agree to, but with no small difficulty. "The hon. and learned gentleman," said the chancellor of the Exchequer, "may learn fortunam ex aliis; but not ex me. To me the other part of the line, verumque laborem, only applies." He had endeavoured, at the same time, to effect another measure relative to the estimating and collecting the duty; and although all were agreed upon the principle, so many obstacles were thrown in his way, that he had been obliged to abandon every thing else, and to fall back upon the other measure, which was the real object of the apprehensions of those who caused the obstacles. It would be extremely imprudent in him to pledge himself on this subject, but he should certainly be most happy to feel himself able to reduce the amount of the duty on beer, or to take it off altogether. He did not, however, think it advisable to effect a reduction of this duty by such a substitution as the hon. member proposed. As to what had fallen from the hon. and learned member on the reduction of the duty on spirits, he had no hesitation in declaring, that he should prefer reducing the duty on beer to a reduction of the duty on spirits; but he had already stated, when he first brought forward this subject, that he felt it absolutely necessary to deal with the question of spirits, with a view to the prevention of smuggling. With respect to the reduction of the duty on wine, the hon. and learned gentleman had argued as if he had reduced this duty for the purpose of relieving a particular class of the community. This was by no means his object. The high duty on wine had diminished its consumption, and impeded our intercourse with foreign countries; and he had proposed its reduction, not with a view to the taste and comforts of a particular class of the community, but as a measure of commercial policy. If the expectations of the government from the system of policy on which they had been acting were realised, he should be ready to take advantage of that realization, and to extend still further the benefits which the country derived from a reduction of taxation. He should be happy to take the first opportunity of dealing with the subject of beer; but he could not acquiesce in the principle of commutation recommended by the hon. member, which would have the effect of imposing an additional tax on many of the poorer classes of the community, without affording any essential relief to the other classes. The hon. member supposed, that if the duty on malt were doubled, the expense of collection would not be increased; but he could assure him that, if he were a little more initiated in the arcana of collecting duties, he would find that he could not invent a more effectual method of inducing persons to evade the duty, and consequently of increasing the expense of collecting it, than by doubling its amount. Even at *2s. 6d.* the duty was very often evaded; but, if the duty were doubled, the temptation to evade it would be doubled. For these reasons he could not acquiesce in the proposition of the hon. member, either in the form of a specific reduction of 3,000,000*l.* of taxes, or in the more modified form which the hon. member adopted last year, of referring the subject to a committee of inquiry.

Mr. *Bernal* supported the motion. He maintained, that private brewing was very little resorted to by the peasantry of this country; and that the beer consumed by the operative classes throughout the kingdom, was furnished by the public breweries. There was no ground, therefore, for one of the arguments on which the right hon. gentleman had relied. He called upon the chancellor of the Exchequer to bring to the consideration of this subject, that candour and fairness which he exercised upon every other, and he had no doubt that he would soon see the necessity of carrying the measure of his hon. friend.

Mr. *Wodehouse* said, he still maintained the position for which he had always contended, that the transfer of the duty to the malt would not cheapen the article to the poor man, owing to his want of skill and capital. This he would prove by the test of cows and pigs. Let the grains of a private brewer, suppose of the hon. gentleman opposite, and those of the public brewer be placed before cows or pigs, and they would go to the grains of the hon. gentleman, because they contain more nourishment, and of course the beer less. So would the poor man naturally drink the beer of the public brewer; because it must be more nutritive than that of the private brewer. He concluded with opposing the motion.

Mr. *Hume* contended, that consistently with the principles avowed by the right hon. the chancellor of the Exchequer, the duty on malt was one of the first taxes to the reduction of which he ought to have directed his attention. He was inclined to try the experiment; and he thought the Exchequer would rather be benefitted than injured by the plan; at the same time that it would have the effect of putting the rich and the poor on an equality.

Colonel *Davies* said, he should prefer a reduction of the duty of *5s.*, and a transfer for the remainder of the duty to the malt; and he was persuaded that, although that measure might lead to a present deficiency of about 600,000*l.*, it would ultimately lead to an increase of the revenue, by an increased consumption.

Mr. *C. Smith* deprecated the adoption of any measure that had the effect of causing the poor to pay more than the rich.

Mr. *J. Benett* objected to the shifting of the tax, and would much rather hear of a proposition for a reduction of it; and if a deficiency should take place, the chancellor of the Exchequer might find out a mode of supplying it, by looking to the sinking fund. He could not see that any benefit would arise to the poor from the proposed plan.

Mr. *Herries* expressed his opinion, that any extension of the system of drawbacks should be avoided as much as possible. He considered it a most important object to the public, at least throughout the parts of the country remote from the competition of the metropolis, that every individual had the power of brewing his own beer. In such an article of general consumption that power was a great security against the evil consequences of monopoly. In answer to what had fallen from the hon. member for Aberdeen, he begged to say, that his right hon. friend the chancellor of the Exchequer, did not pledge himself to bring forward the subject next session, in the view taken of it by the hon. member for Abingdon.

Mr. Alderman *Wood* contended that the humble classes of society were entitled to the same consideration, in point of the remission of taxes, as the opulent. They had reduced the duties generally on foreign wines. On that principle, then, could they deny a reduction of the duties to the consumer of beer? Why should the comforts of the rich duke and the opulent commoner be attended to, while all relaxation was denied to the operative classes who consumed beer? He recommended the experiment of taking five shillings a barrel off beer; and he pledged himself that the Exchequer would not be a loser, on account of the increased consumption. There was no sort of reason why every man should not brew what beer he pleased.

Mr. *Monck* agreed in the suggestion of the worthy alderman, and trusted his hon. friend would amend his motion, and propose the duty to be five shillings per barrel on beer. Should the chancellor of the Exchequer acquiesce, he was persuaded the revenue would be a considerable gainer, in consequence of the increased consumption. Another advantage would follow the reduction, that scarcely any beer would be brewed at home; where in general a more imperfect extract was obtained than at the public breweries.

Mr. *Robertson* deprecated any reduction of the sinking fund in the present state of the world, when both France and the United States of America were endeavouring to reduce the public debt.

Mr. *Cresset Pelham* opposed the motion; not, however, from any greater indifference to the wants of the poor than of the rich, but because he did not think the bulk of the people would be much benefitted by the proposed reduction of the duty on beer. The price of wages would be depressed in a corresponding, or perhaps a greater ratio, and possibly the labourer would be more distressed than at present, whilst the state would be a sufferer in its revenue.

Mr. *John Smith* said, he had uniformly supported the propriety of upholding the sinking fund, and he was still attached to the same opinion. Yet he trusted that the chancellor of the Exchequer would accede to the reduction of the impost on beer, as he could supply the vacuum, if any occurred, by another tax. For his own part, he should have no objection that the whole of the deficiency should be laid on malt generally. It was true the condition of the poorer classes in this country had been considerably ameliorated: yet they still stood in need of much relief. If the chancellor of the Exchequer would consent to send the question to a committee for the purpose of examining the question in all its details, he was sure his hon. friend would abandon his motion.

Mr. *Maberly* stated, in his reply, that he should not trespass long on the attention of the House. He regretted to see so very thin an attendance of members. Not one word had been said to disprove the injustice which he attributed to the present system. He maintained, in opposition to the right hon. gentleman, that nearly the whole, if not the whole amount of duty, would be saved to the country in the event of its repeal. Feeling that he should not stand properly in the eyes of the country if he consented to withdraw his motion, he should take the sense of the House upon it; although he owned he had little doubt that the result would afford an additional proof of the benefit which the people would derive from some measure, which should secure to them a more just, fair, and equal representation in parliament.

The House divided: For the motion 23: Against it 88: Majority 65.

List of the Minority.

Allen, J. B.
Bernal, R.
Calvert, C.
Cradock, col.
Davies, col.
Denman, T.
Grant J. P.
Hobhouse, J. C.
Honywood, W. P.
James, W.
Langston, J. H.
Leader W.
Maberly, W. L.
Monck J. B.
Palmer, C. F.
Poyntz, W. T.
Pryse, P.
Smith, J.
Smith, C.
Smith, W.
Western, C. C.
Wilson, sir. R.
Wood, alderman.

TELLERS.

Maberly, J.
Hume, J.

WRONGOUS IMPRISONMENT AND DELAYS IN TRIALS IN SCOTLAND.] Mr. *J. P. Grant* rose, pursuant to notice, and spoke as follows:*

Sir, I can assure the House, that there is no person, whom I have the honour to address, more sensible than I am of the great gravity and importance of the question, which I have ventured to bring under its notice. When I say, that it is no less than an entire revision of the law of Scotland, in regard to the securing the personal liberty of the subject, I need not add, that I approach it with some anxiety.

This liberty rests at present on an act passed in the parliament of Scotland, in the year 1701, against what, in the law language of that country, is called Wrongous Imprisonment; an act which has been styled the habeas corpus act of Scotland,—with what propriety, will appear before I sit down. The circumstances under which this act was passed are sufficiently known.—The failure of the favourite project of the Scots nation at Darien, and several circumstances which had occurred in the internal government of Scotland, where it was the misfortune of king William to be but indifferently served, had excited considerable discontents in that country. Among the grievances which it had reason to complain of, the total insecurity of the liberty of the subject, under the existing laws, was one of the greatest and most striking. To allay these discontents, a particular attention was promised, on the part of the government, to all practicable measures for advancing the prosperity of that country, and preventing acts of oppression; and among these, the granting of a habeas corpus act was held out as one of the most immediate and considerable.

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* From the original edition printed for J. Ridgway, Piccadilly.

Accordingly, the act of 1701 was introduced. It is spoken of, as on a par with the English law of habeas corpus, by Burnett and by all subsequent historians; but it is doubtful whether it was drawn in perfect good faith. There is a story told of the learned person who was employed to draw it, that he was far from friendly to the measure; and that he spoke of the act, when passed, as one of which he gave them joy who wanted it, if they could contrive to carry it into execution. I do not know what truth there is in this story; but if he really intended to draw up an act, which should be wholly uncertain in its interpretation, and ineffectual to its purpose, he could not have succeeded better than in the act which it is my wish now to alter and amend.

Sir, I am aware that I stand in need of an apology, for having ventured to undertake so important, and, apparently, so large and difficult a measure, as the supplying the defects and correcting the errors of this law; and it is matter of the most sincere regret to me, that it is not in the hands of a person of more authority to command the attention of the House, of greater knowledge to propose suitable remedies, and of greater talents to illustrate and enforce them. I beg to be understood as not saying this by way of an effectual disabling of myself. This would be an absurd affectation on my part, and but an ill proof of my respect for the House, that I should venture to propose to it a measure of this importance, without believing that I am able to lay a sufficient ground for its interference, and to offer a remedy deserving of its approbation. But I sincerely feel, that the question labours under great disadvantages in my hands.

I have endeavoured to balance these by bestowing on it all the consideration in my power, and by making use of the assistance of those of my friends the most capable of affording it. I think, therefore, that the bill I hope to obtain leave to bring in, will be found to answer the purpose I intend; and I am so persuaded of the necessity that will appear for some measure of this sort, as not to be without apprehension, that before I finish what I have to say, I may be thought rather deserving of blame, with the opinions I entertain, for having so long delayed to bring forward such a measure, than for having at length ventured to do so. That I have long contemplated the necessity of a revision of this law, is most certain. On the reasons which have induced me to delay moving in it, I need not now, enter; but I may say, and I say it with a singular satisfaction, that I am much encouraged to the moving in it, now by the liberal character of the present policy of his majesty's government.

I refer not merely to the policy which has now begun to be acted on in regard to the foreign relations of the country, to the regulations of the commerce, or to the taxation and finance generally speaking; but more particularly to the attention bestowed on meliorating the administration of justice in some essential particulars. The Jurors' bill for this part of the kingdom, brought forward by the right hon. gentleman opposite, the Secretary for the Home Department,—the adoption of the measure proposed in a former session by my hon. friend the member for Ayr, regarding the choosing juries in Scotland,—The Scots Judicature bill, for a fundamental reform of the proceedings in the civil courts in that country—a measure which promises to confer on Scotland a benefit greater in its amount, more extensive in its diffusion, and more lasting in its effects, than has perhaps ever been conferred by any one law on any country,—the bill now about to be brought forward by the learned lord, greatly to his credit, for restricting the punishment of leasing-making, and sedition in Scotland,—all these things have given me great encouragement in bringing forward the present measure. I think the same liberal views, and the same wisdom, which have dictated the measures I have spoken of, entitle me to expect the support of the government to that which I am now to offer. I think, therefore, that I shall meet with the support and assistance of my right hon. and learned friend the lord advocate—of my hon. and learned friends, the attorney and solicitor-general,—and of the right hon. gentlemen opposite. My hon. and learned friends have had recent opportunities, in cases which have occurred in the House of Lords, to consider the act which I propose to amend, and to see its defects; and I beg to assure them, and the learned lord, that, having no object but to correct a serious evil, and to render the law I am to propose as perfect as possible, I shall receive, not only with candour, but with gratitude, whatever suggestions or objections may be offered on any parts of it.

The objects which every man must have in view, in a law to regulate the imprisonment of persons accused of crimes, are, first, To protect the liberty of the subject, and secondly, To insure the detection and punishment of crimes.—Of these objects, no doubt the first is paramount; since the sole use and purpose of all criminal law being to prevent the commission of wrong, it were a manifest absurdity to render it the means of committing greater wrong than any which a private individual could inflict. It is strange how apt legislators are to fall into an error of this kind. In their zeal to repress crimes, they forget that the intention of criminal law is, to afford security, and to do away with the necessity of a recourse to private means of defence against injury. But it were greatly better to leave men to their private means of defence against private wrongs, than to substitute wrongs inflicted by the public law, against which private means are wholly unable to contend.

Keeping this, however, in view, I can assure my hon. and learned friend, that I am as much alive as he can be to the careful providing of sufficient means for the detection of offenders, and for the due course of justice in the investigation of crimes, without which liberty itself would be comparatively of little value. I am satisfied that, in the measure I have to propose, I have made ample provision for the duly securing the persons of those justly suspected of crimes, and for a due inquiry into their guilt. I am only afraid, that I have left a latitude of imprisonment greater than is strictly necessary for this purpose. I am quite sure that I have not reduced it below what any reasonable man, intrusted with the administration of criminal justice, can desire.

Sir, it is not my intention to trench on, or interfere with, the powers of the lord Advocate; at least so far as he can exercise them without the intervention of another magistrate. It may be thought by some that I might have gone further; but this forms no part of my plan. There may be defects in the constitution of this great office; but it is one which enters deep into the administration of justice in Scotland. The lord Advocate is a most useful and important officer; his control over prosecutions lies at the foundation of the structure of Scots criminal law; and, great as his powers are, I think it will be found, that the abuses complained of do not grow properly or necessarily out of the powers of this officer. My object is not any general and sweeping reformation; it is a much more humble one. I take the principles of the law as I find them; I leave the office of the public prosecutor as it is; I adopt and preserve the present act, 1701, wherever it is right, and sufficient, and intelligible. I confine myself to the correcting it where it is wrong, the extending it where it is defective, and the clearing it where it is doubtful.

I propose to increase the responsibility of magistrates in committing persons to gaol, and to define it more accurately. I mean to compel them to inquire into the grounds of accusation, and to judge of the reasonableness of the suspicion alleged. I enlarge the powers of the supreme criminal judges to liberate persons imprisoned, or to admit them to bail. I leave the amount of bail, and the means of applying for it, in general cases, as they stand. I decide doubts which have arisen in the construction of the law. I place the poor and the ignorant, who are accused of crimes, on a footing, as far as may be, with the rich and the well-advised, in regard to their imprisonment and the delay of trial. The only power I abridge, is that of magistrates to commit without examination and responsibility. The only power I enlarge, is that of the judges to protect the liberty of the subject. The chief alteration I propose is, to put the poor and the unprotected on a level with the opulent and the well-informed, where a search into crimes they are accused of is concerned.

These things will be admitted to be desirable, and I do not mean to deny that they are considerable; but they are less difficult to accomplish than they appear. The act, which I propose to amend, was passed a hundred and twenty-four years ago; and every possible question, which can arise on its construction and out of its defects, has occurred in that time, and is recorded in the proceedings of the court of Justiciary. Unfortunately, they have not been decided when they occurred, the prosecution having been generally thrown up by the lord Advocate, to avoid a decision. But we have the questions themselves preserved, and brought to our notice, in the books which treat of the criminal law. On the other hand, we have before us the law and practice of England in similar cases; and it is not too much to say, that, of all parts of the law of England, that which relates to the protecting the liberty of the subject is the most perfect and admirable. Thus, we have the evils presented to us in detail, and an example of the modes of prevention and cure. The undertaking, therefore, is not one of such extreme difficulty; and, if I shall have accomplished my purpose, the merit will be inconsiderable.

Sir, a liberal adoption of neighbouring institutions, so that they be judiciously fitted to the spirit and general character of the law of the country which adopts them, is necessary to the perfecting any system of law. This has been in all ages the practice of the wisest nations. But it is nothing less than an absurdity, that two parts of the same nation should live under different laws as to personal liberty—one much less perfect than the other. There is much, very much of the Scots law, as to the trial of crimes, and as to punishments, which is admirable; and much in the preliminary forms of proceeding, sufficiently good. What is well known in practice is always best done, and errors committed in the doing it are the most easily detected. Established usage, therefore, is always to be preserved where it is possible; and whatever of new proceedings is brought in, ought to be carefully suited to the genius of ancient institutions, assimilated to accustomed forms, and received in the true spirit of domestic adoption. No nation, however, need be ashamed to copy from the English law its provisions for personal liberty, which are probably as near perfection as human institutions can approach.

As I have no reason to believe, that my motion for leave to bring in this bill will be opposed, and as the statement I am to make is such as will not be contradicted, it is unnecessary for me to occupy the time of the House in going at length into the authorities which justify that statement; and I shall therefore content myself with describing generally the defects of the Scots law, as it now stands in the respects in question.

By this law, as it now prevails in daily practice, warrants for apprehending persons accused or suspected of offences, are granted without taking the oath of the informer—and, it may be, without examining him. Warrants of commitment for trial are usually—indeed, almost always—granted without taking the oath of any informer or witness. And there is no remedy after commitment, except by bail in bailable crimes; or, where there is no bail, by forcing on the trial by the means afforded by the act of 1701, now under consideration.

By this act, as it has been held in practice, though it has never been so decided, a hundred days, and, wherever the prosecutor so chooses, a hundred and forty days must elapse, before the imprisonment is terminated, or the trial can be forced on; though the prisoner be never so well advised, and actively served. If he be without this advice, and have not the means or the resolution to take the steps prescribed by the act, there is no necessary termination to his imprisonment. He has no redress against the magistrate or the public prosecutor, unless he can prove corruption or malice; and there is seldom a private prosecutor, so that there is not even the restraint of a fear of expense on groundless accusations. He, who would be the prosecutor in England, is the informer in Scotland. He must sign his information, so that he is always known, and he may be liable in damages. But he may be a vagabond or a pauper, as in James Murray Borthwick's case, which was brought before this House two sessions ago;* and there is no instance of a criminal prosecution in such a case.

It is obvious from this, that the law of Scotland wants all the most essential parts of the law of England in these respects. It wants the common guards against unreasonable or incautious commitments. It wants the most valuable parts of the process by a writ of habeas corpus. And it wants gaol deliveries altogether. It is my object to supply these defects.

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* The private prosecutor in this case, whenever an action of damages was brought against him, sued out a process of cessio bonorum, as being utterly insolvent.

The purposes of the law, in regard to imprisonment and trial for crimes, as I have already said, ought obviously to be these:—to secure the appearance of the accused, so that he may undergo his trial—and to prevent the means used for this end from becoming an engine of oppression and wrong. The appearance of the accused is to be secured either by imprisonment, where that is necessary, or by bail, where this is sufficient; and the preventing these means from becoming an engine of oppression, involves three considerations:—1. The providing against improper and unnecessary imprisonment.—2. The regulating bail.—3. The preventing a delay of trial.

Now, there are two things necessary to the providing against improper imprisonment—the preventing the wrong from being committed; and the affording speedy means of enlargement, if it shall be committed. An improper imprisonment may take place in different ways.

First; A man may be taken into custody and imprisoned by warrant of a magistrate, for examination, before he is committed for trial. That this should be done frivolously, or without a just and sufficient ground of suspicion and reason for inquiry, is a great hardship. To an innocent man it is a mighty injury, and to the law it is a manifest discredit. But being so apprehended, on whatever grounds, it is most necessary that the prisoner should not be detained longer than is required to ascertain, with the least possible delay, whether he ought to be committed for trial or not; yet, in these respects, the law of Scotland is entirely defective.

1. The warrant for apprehending, as I have said, is always granted without the informer being put on oath. It is not even necessary that the information be in writing, though this is usual. It very commonly proceeds on the petition of the Procurator Fiscal, the public prosecutor of the inferior jurisdictions,—a petty officer appointed by sheriffs, by justices of the peace, or by the magistrates of burghs, within their districts. He becomes the channel of communication between the informer and the magistrate, upon whose application the warrant for apprehending is always granted, without further inquiry into the nature of the information he acts on; although he himself never administers an oath to his informer, and usually takes the story as he gets it, inserting no details of it in his petition to the magistrate.*

2. No time is limited by law for the detention of a prisoner in custody for examination, or further examination, before committing or discharging him. The act 1701 has been found not to apply to this sort of imprisonment at all; and there is no rule of the common law.†

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* "In regard to the grounds and form of the warrant to apprehend, it may be fitting in some cases, and this in England seems to be the usual course of practice, that the warrant be granted after examination only of the informer upon oath; but this is not invariably, nor even ordinarily observed with us, in proceeding on the information even of a private individual; and, in cases of complaint, at the instance of the Procurator Fiscal, or other public officer, who could only swear to his belief of the information which has been brought him, it has never been our custom to make use of any such precaution. It is further to be noted, that although it be very proper, where the circumstances of the case allow it, to support the warrant with a written petition, or examination of the party who applies for it; yet the want of this formal evidence is no wise any impeachment of the strength or virtue of the warrant, and shall neither countenance the party charged in any resistance of it, nor of itself be a ground of asking damages, if it shall be executed against him."—3 *Hume, Crim. Law*, 121, 122.

† "With this view, if the witnesses are not attending at the time, so as to be examined without delay, it is lawful for the Magistrate to commit the prisoner to gaol, there to remain for further examination, or until a precognition shall be taken; and against a warrant of this form, he is not entitled to his relief by bail as a matter of right, though, in cases of petty crime, he is often indulged with it; for, in terms of the Act, 1701, cap. 6, that remedy applies only to a settled state of imprisonment, that which is 'for custody in order to trial,' and not to this temporary and uncertain detention."—3 *Hume*, 128.

"In the case of Fyfe against M'Laren, 29th July, 1762, where, on a charge amounting to wilful fire raising, and after a precognition had been led, a warrant was granted by the Justices of Peace of Forfarshire to incarcerate till further examination. One of the prisoners was soon thereafter liberated; and another, having applied for bail, the Justices refused his petition, but, on application to the Court

Secondly; A man may be fully committed for trial by warrant of a magistrate.—In this matter the provisions and the practice of the law of Scotland are far from consistent with the due security of the liberty of the subject.

1. No previous examination by the magistrate, either of the informer or witnesses, or of the person accused, is necessary, though it is usual in commitments by the ordinary magistrates, and said to be advisable.*

2. No oath is usually administered, either to the informer or to any witness, before fully committing the prisoner for trial, even where a previous examination, called a precognition, is entered into; but he is consigned to a gaol, perhaps for months, and to the ignominy of a trial, on the declarations of witnesses made and taken down behind his back, unsanctioned by any solemnity, and unrestrained by any fear of prosecution. Indeed, when the putting the witnesses on oath is recommended, it proceeds from a jealousy, not of unduly imprisoning the innocent, but of, by chance, suffering one who is guilty, to escape.*

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of Justiciary he was liberated, after being twenty-four days in prison. Both the parties afterwards commenced an action of wrongous imprisonment, on the Act 1701, and also upon the common law, against the party who had applied for the warrant, and the Justices of Peace who granted it; but the defenders were assoilzied (acquitted): and from the report of the case, it appears, that so far as the action was laid on the Act 1701, the decision proceeded on the ground that the commitment was till further examination.

"The same point occurred, and was fully considered, in the case already mentioned of Andrew against Murdoch, 20th June, 1806, where, although a considerable difference of opinion occurred among the Judges with regard to the fact, whether the warrant on which the commitment proceeded was to be held as a warrant of commitment till further examination, or in order to trial; a great majority of the Court held, the former did not fall under the provisions of the Act 1701."—*Burnet's Crim. Law*, p. 250.

"The late lord Newton, however, declared himself decidedly of a different opinion;—upon this ground, that otherwise the statute would cease to afford any real security to the lieges, since every commitment might be put on the footing of its being for examination. And he further mentioned, that he had access to know, that the same construction of the Statute was adopted by the late Mr. Crosbie."—*Hutchinson's Just. of Peace*, p. 481, Note.

* "It is not, however, by any means to be understood respecting the Magistrate, that it is unlawful for him, de plano, to give order for commitment (*i. e.* for trial) in his warrant to apprehend, in cases where he is already possessed of strong grounds of suspicion against the prisoner, or where, on any other account, he cannot previously be examined. And, indeed, this is the ordinary tenor of warrants, obtained from the Lords of Justiciary, to whose office it does not pertain to examine the prisoner, or to set on foot a precognition concerning his guilt."—3 *Hume*, p. 126.

"The application for this purpose (commitment for trial) is made, for the most part, in a petition, or other complaint, signed by the Procurator Fiscal, or a party; and praying for commitment of the person, or persons named, as at his suit or instance. There seems, however, to be nothing in either the words or the spirit of the statute, that should confine the magistrate to the use of this sort of information only, which cannot always be obtained at the time. In itself the affidavit, signed declaration, or even letter of the party concerned, or having cause of knowledge, if it properly describe the fact, and be duly referred to in the warrant, seems to be an equally sufficient ground for commitment; and, indeed, unless he can show cause for distrusting it, the Magistrate could not safely decline to commit upon a charge of this description. In those instances where the Procurator Fiscal applies, his information will protect the Magistrate, who commits in pursuance of it, so far as to take the case from under the letter of the statute 1701. And in any complaint which may nevertheless be made against that officer, or against him and the magistrate jointly, for rash, partial, or malicious proceedings, they have to defend themselves upon the ground of the private information lodged with them."—3 *Hume*, 136.

"The most complete and perfect information, so far as regards the magistrate, is obtained by a regular precognition, which contains the signed declarations of the persons who have been examined, and points out the person accused, or some other individual, as guilty of the crime alleged. But, though a precognition ought generally to precede a warrant of commitment for trial, this is not necessary, nor is it always observed. The first information, even by a private party, may be so complete and satisfactory to the Magistrate, as to warrant an immediate commitment in order to trial."—*Burnett*, 320.

* "Though it is not the ordinary course of proceeding, yet still, in those cases, wherein, from popular favour towards the prisoner, or towards the offence, the truth cannot otherwise be obtained, it is lawful, and has often been practised, to put the witnesses upon their oath; which, if they shall refuse, they are, for this contempt, liable to be imprisoned. To obviate, also, any danger of improper prac-

This, however, cannot be said to have been the law, whatever may have been the practice of Scotland; for, by an act passed in the reign of Charles 2nd, in the year 1661, intituled, "Commission and Instructions to the Justices of Peace, and Constables," it is provided, that "at what time, and whensoever one shall accuse another person or persons, to be guilty of treason, murder, or other felony, blasphemy, incest, or any other heinous crimes; in such cases, the said Justice or Justices, shall forthwith cause such person, or persons, to be apprehended; and, after inquiry made in the cause, the said Justice, or Justices, if they find cause, shall commit the offender to prison, or take sufficient bail, if the case by the law be bailable; and shall take the information of the party accusing upon oath, and bind him to prosecute; and shall take the testimony, or deposition, of the witnesses likewise upon oath, and bind them to give evidence, and shall also take the examination of the party accused;—all which recognizances, informations, depositions, and examinations, the said Justice, or Justices, shall certify to the next quarter session, assizes, or criminal court, respectively, to the end, that Justice may proceed against them according to law." This is the only law passed in Scotland for protecting the subject from frivolous and vexatious committals; but, if it was ever observed, it has long since ceased to be so; and, in its terms, it applies only to committals by justices of the peace.*

3. If application be made to a judge of the court of justiciary for a warrant to apprehend one accused of a crime, no examination ever takes place before the judge who grants the warrant, but it issues at once to commit for trial—on the responsibility of the informer. If the application be made by the lord advocate, or one of his deputies, warrant is granted of course; if by a private person, with concourse of the lord advocate (*i. e.* with his official concurrence) it is the same; and the lord advocate cannot refuse his concourse. In practice, he leaves a written authority with the clerk of justiciary, to give his concourse to all who ask it.—But private persons, without the concourse of the lord advocate, with the concourse of the local procurator fiscal, which is obtained of course, or without it, for any thing contained in the act 1701, may apply to the justiciary for a warrant to commit on a written and signed information; and, if the crime and circumstances be relevantly stated, warrant may be granted without any examination by the judge, no investigation being within the usage of the court.*

The court has even refused to examine into the grounds of accusation, though applied to by the prisoner complaining of a grievous wrong. They are said to be bound by the statement in the written information.†

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tices with them, on the part of the accused, or his friends, neither he, nor any one for him, need be admitted to these proceedings. It was one of the directions given by the Court, for the taking up of dittay, 4th March, 1709. Item, That none be present with the Clerk, at the examination of the persons cited by the Sheriff, to give up dittay. At whatever period these examinations are taken, and whether in the form of oath, or otherwise, they are merely preparatory to the libel, and can never, in any shape, be made use of against the witnesses; and, indeed, they may call for them if they please, and see them cancelled before they give their evidence in the trial."—3 *Hume*, 129, 130.

* It cannot be doubted, that the spirit of this act was binding on all other magistrates who had the power of committing on accusations of crimes; and it seems difficult to hold that the precautions contained in it, to prevent frivolous committals, were repealed by implication, by the act 1701, made expressly for better securing the liberty of the subject.

* 3 *Hume*, 126.—It is said by Mr. Hume, (3 *Hume*, 132), that it is, "certainly better, that the Judges, like the Assize, should enter on the trial without any previous knowledge of the case."—I cannot see much in this; but, if there were, it would result, that the judges of the court of justiciary should have no power to commit for trial; for that a man should be committed for trial without any examination by the magistrate into the probable cause, on the mere accusation in writing of any one, seems entirely inconsistent with the due administration of justice, or with any reasonable regard for the protection of the innocent.

† "But, though a Magistrate may not, in every case, be justifiable, even on an ex facie information, to issue a warrant of commitment, the general rule and usage, certainly is, to look chiefly, if not solely, to the terms of the application, and the relevancy of the charge there made; and to grant the warrant, unless it appear clearly, that no proper Point of Dittay" (*i. e.* indictable offence) "be charged." This case underwent some discussion, in the late case of the Magistrates of Culross against sir John Henderson, 13th July, 1807, for an alleged forgery of the common seal of the burgh. After taking a precognition, a warrant

4. By the common law there is no redress against a magistrate or against a publick informer, as the lord advocate or procurator fiscal, unless malice can be proved against him: nor ought there to be. The sole redress is an action of damages against the private informer. There is no instance of such informer being indicted; and it would be difficult to do so, unless there was a conspiracy. Not being on oath, he cannot be indicted of perjury.

5. By the act 1701, nothing is requisite to justify the magistrate but a signed information.* No precise form is necessary, any writing signed being sufficient; though the charge be never so improbable; though the informer be infamous, a person unknown to the magistrate, or a vagabond without fixed abode; though the imprisonment be never so irregular or oppressive. There is no provision by this act to redress the wrong, if it have only proceeded on a signed information.

Lastly, A person may be committed to an unlawful place of confinement, or in an

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of commitment was applied for to the Court of Justiciary, by the Magistrates" (*i. e.* the corporation), "against Sir John, and David Cosine, writer in Dunfermline, on the charge of their having fabricated a seal, in imitation of the common seal of the Burgh of Culross, and appended it to a commission in favour of a person, chosen by one set of Magistrates, as a delegate, to represent them at the meeting for choosing a member of Parliament. Notice of the application having been by some means obtained, a caveat was lodged in the hands of the Clerk; and, contrary to the usual practice, answers were allowed to be given in, in which various objections were stated to the relevancy of the charge, as well as a pointed denial made of the facts on which it was grounded; the whole being intended, it was said, as a mere political manœuvre, without any serious purpose of making it the subject of after trial. On advising the petition with answers, replies, and duplies, the Court pronounced this judgment.—'Find that the fact charged, is a point of dittay, and that it is not the practice of the Court, on an application for a warrant, to take cognizance of any other matter; therefore, ordains the warrant to be granted, in common form, as craved.' "—*Burnett*, 322.

In the case of William Murray Borthwick, the petition of the lord advocate's depute, in his lordship's name, merely set forth the allegation of a capital crime having been committed, without saying one word as to the grounds of the accusation, or the nature of the information he had obtained; and thereupon he craved warrant to commit, de plano, for trial, which was accordingly granted; and Borthwick, who had no knowledge of the proceeding whatever, was immediately apprehended, and so committed.

Upon this he presented a petition to the Court of Justiciary, which was followed by answers by the advocate depute, and a judgment by the lord justice clerk. He was accordingly, kept in confinement till the 24th of April, when he was brought to the bar of the Circuit Court at Glasgow, to be tried.—But on the motion of the advocate depute the diet was deserted, pro loco et tempore, by which the trial was adjourned, and the prisoner was re-committed on a new warrant of the same Court, proceeding as before on the same allegation, without any statement of facts and circumstances, or of the nature of the information received; and he was as of course, re-committed. He had been running his letters of intimation to the lord advocate to bring on his trial meanwhile; and the forty days from his re-commitment under this new warrant having expired, he was, on the tenth of June, on his petition ordained to be liberated. But, on the same day, a new warrant of commitment for trial was granted by the lord justice clerk against him, on the petition of a private individual, the same Robert Alexander, who pretended right to the goods in question, with concourse of the lord advocate, obtained of course, though the lord advocate had declined to proceed himself in the prosecution; which petition was in the like general terms.

The justiciary warrant was granted in the same manner, de plano, without investigation of any sort, or opportunity of any sort, allowed the prisoner to be heard; which if he had been, the warrant could not possibly have been granted; the application being by one partner, as alleged against another partner, accusing him of stealing what was alleged to be their joint property, and the question being, whether the partnership was dissolved, and the property truly joint or several, and consequently, whether there was a trespass. Borthwick was, however, kept in gaol till the 12th of June, when he was liberated, ex proprio motu of his new prosecutor; his trial having been first fixed for the 10th, and postponed to the 17th of June.

It is obvious, that, under these decisions, and according to this practice, any person, of what character and station soever, may be kept in gaol under a charge of theft, however preposterous, without the possibility of bringing on his trial for a hundred and forty days, although the public prosecutor shall be satisfied there are no grounds for trying him, as long as persons may be found to pretend any property or right of possession, qualified or absolute in goods, which they may choose to accuse him of stealing; and so mutatis mutandis under a charge of any other crimes, which private persons may pretend a legal title to institute a criminal prosecution for.

* 3 Hume, 136. Sup. Cit.

irregular manner; or he may be deprived of his liberty by one having no legal authority, as by an incompetent magistrate, under colour of a legal proceeding, or by a private individual, without any such pretence.

For these cases it has been found, that the act 1701 provides no remedy; although in one case, in 1736, it is said to have been decided, that the act did apply to an unlawful imprisonment by a person not a magistrate.*

The means of enlargement which form the second thing necessary to provide against improper imprisonment are, in Scotland, entirely by the common law. Except, 1st. The imprisonment be on a warrant to commit for trial, not proceeding on a signed information; or, 2ndly, Where such warrant does not express the cause; or, 3rdly, Where the cause expressed does not amount to a crime, other than treason. But the manner of proceeding to obtain liberation, is by the

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* "This clause (the general clause of the act as to 'all confinements') has given rise to various questions, whether it was meant to apply, 1st, to confinements irregular, no doubt, and oppressive, but proceeding on signed informations and written warrants; 2nd, To irregular confinements, by private persons, not magistrates, nor in authority; and, Lastly, To confinements by magistrates not for custody in order for trial, but in the way of simple arrest, or for examination.

"Respecting the first, the question occurred in the case of Archibald Campbell against Ramsey, a baillie of Kelso, 26th November, 1736; who had, on a signed information, but founded on a frivolous, or, at least, improbable story (viz. that he had clandestinely carried away a person of the name of M'Kenzie from his wife and family, and had prevailed on that person to abstract several of the writings of his estate), granted a warrant of imprisonment against Campbell, until he should find bail not to proceed further in the delinquency imputed to him, and to answer to the competent court for what he had already done. The defender maintained, from the preamble of the statute, that it was meant to apply merely 'to the abuse of commitments, without expressing the cause,' and had nothing further in view than to correct abuses in the form of commitments, in refusing bail, and in the modes of setting at liberty; and that the general clause here noticed was meant to apply to all these forms of written warrants and signed informations, to every sort of confinement, whether in a gaol, properly so called, or in a private house or chamber; and that the exception introduced in this very clause of confinement, consented to by the party, or inflicted after sentence (where there is no need of signed informations), shews, that such was the meaning of the clause. The pursuer, on the other hand, founded on the object and scope of the act; and that being intended to prevent wrongous imprisonment in every case, and to protect the liberty of the subject, it ought to be applied to all irregular confinements, without exception. The court, while they were of opinion that the baillie's conduct had been illegal and oppressive, found, at the same time, that the case did not fall under the act.

"The second point occurred in the case of Patterson, 14th December, 1736, where the incarcerator was no magistrate, and had, besides, given a mere verbal order of commitment. The defender argued, that the whole scope of the act was to correct the abuses of magistrates, judges, and other officers of the law, in the undue exercise of their authority, that having been the evil most loudly complained of; while the pursuer argued on the general expressions used in this clause, and on the preamble of the act, which declares, 'that it is the interest of the subject that the liberty of his person be duly secured' The court found, that the act did apply to the case, and decerned for the penalties. The justice of this decision, however, may be doubted. We incline to agree with Mr. Hume, in thinking, that the statute 'relates only to acts of power and authority, and not to the masterful and lawless violence of private persons, as to which there was no need of any new or extraordinary provisions.' This interpretation is accordingly justified by what we know as to the abuses which gave rise to the enactment, as well as by the decision of the case, sir Alexander Anstruther, March and April 1720, referred to by Mr. Hume; and where, as appears from the papers in that case, the import of this general clause was fully argued."—*Burnett*, 384.

"The process for these forfeitures, or any of them (for so I construe the words, process for wrongous imprisonment in the act), is confined to the space of three years, computed from the last day of the prisoner's confinement; and to this limitation effect was given in the court of Justiciary, in the case of sir James Dunbar, in 1714, where the wrong seems not to have been a proper incarceration in any known gaol, but rather an irregular confinement of the person, in some strong room or dungeon in the tower of Aikergill, the property of sir James, who, by his authority as a baron, had shut up the pursuer there. The injury fell, therefore, under that clause of the act, which extended those provisions of the law 'to all confinements, not either consented to by the party, or inflicted by trial after sentence,' and which was intended, as I conjecture (though certainly the passage is obscure), to reach confinements of this irregular description. I think, however, it is doubtful whether the statute applies in such cases, unless the confinement be ordered by a magistrate, and be under pretence of complaint made to him, or proceeding held by common-law process of bill of liberation in all cases. The act 1701 only introduces a statutory mode of relief:—1st, By bail; 2ndly, By forcing on the trial. Of these I will speak presently.

The act does not apply, therefore, to any imprisonment by an incompetent magistrate, or by a private person, as contrary to law, or on the ground of irregularity in the manner of it: nor to any imprisonment by a magistrate for examination, or further examination, however long or oppressive:—nor to any imprisonment in modum pœnæ, however preposterous or unlawful—in its place, manner, duration, or grounds:—nor to any imprisonment for trial, however groundless, irregular, or unjust; provided, only, there have been a signed information, charging a crime; though the information set forth no facts shewing the grounds of it: and provided, also, that the warrant specifies the cause; though the cause specified be false in fact, and has never been inquired into: nor to any imprisonment on a charge of treason.*

The remedy by the common law for obtaining liberation from imprisonment, by the process of bill of liberation, is extremely inconvenient and defective. The proceeding is by bill, or petition, to the court of Justiciary, which contains merely an unauthenticated representation, by the prisoner, of what he alleges; unless the warrant be, ex facie, defective, in which case it speaks for itself.* This petition

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him in that capacity; for this ordinance seems to relate only to acts of power and authority, and not to the masterful and lawless violence of private persons, as to which there was no need of any new or extraordinary provisions, and which will not, therefore, be affected by the prescription of three years, and may be the ground of prosecutions in the court of Justiciary for the pains of common law. Of this description was the wrong libelled in the case of sir Alexander Anstruther and others, (March and April 1720), who were accused of carrying off, in a boat, and afterwards confining somewhere at land, certain persons who were meant to be called as witnesses against these panels, for some offence against the revenue. The libel was laid both at common law, and on that clause of the statute 1701, which has relation to confinements; and concluded, for fine, deprivation of office, and incapacity of public trust; but the court found the libel relevant generally to infer an arbitrary punishment, damages, and expenses; proceeding herein, as I take it, on the common law alone."—3 *Hume*, 181.

* "As the magistrate must determine the degree of the offence by the letter of the law, so must he take the charge, in the ordinary case, as he finds it on the face of the commitment. But, although this be true generally, yet still it is not to be understood, that every magistrate or every informer has, therefore, the uncontrolled licence of stating the crime in his information or warrant, in such terms, and applying to it such denomination, as he pleases. Certainly, in those (it is to be hoped extraordinary) situations, where the evident malice of the party, and his perversion of the facts, require such an interposition, the supreme court, upon complaint being made to them, will call for the precognition, or other grounds of the commitment, and will judge for themselves, how far the matters there appearing, if true (and at this period they must be held to be so), amount to, or warrant the sort of charge, which has been raised upon them. As the sheriff might control his fiscal on such an occasion, if he should state a mere trespass as a robbery, or magnify a common assault into a hamesucken; so the Supreme Court will control the sheriff, or other inferior magistrate, and exercise their own judgment as to the propriety and the soundness of the views on which he has proceeded. Thus James Gremin was released on bail, though committed on a charge of cursing and beating parents (a capital crime by the law of Scotland), because it appeared that the facts were not of that atrocious degree, nor related with that distinctness, which might justify the statutory and capital accusation. It is, no doubt, true on the other side, that in any instance where this comes to be a nice and critical question, or where the plea of the prisoner against the capital charge is of that kind, which seems only fit for deliberate trial in the way of debate upon the relevancy of a libel, here the charge must be held and taken in the meantime as it is written in the commitment.

"Let me add one observation more; that although the statute has declared the privilege of bail, with regard to all charges not affecting the life of the offender, yet it has not deprived our supreme judges of that discretion which naturally belongs to them, of extending this sort of relief to cases even of capital accusation, when they shall find reason for such an indulgence in the extraordinary circumstances of the fact. Such a trust is necessary to be reposed with them for the ends of justice, and the advancement of the public service; since otherwise a magistrate, or other person in public office, who has been constrained to kill (for instance) in the necessary performance of the duty of his station, might undergo a long confinement, and perhaps at the very season which most requires the continuance of his exertions, on a groundless charge of murder, brought by the kindred of the persons who have fallen a sacrifice to their own obstinacy in the perpetration of their crime."—3 *Hume*, 143.

* "There is a case recorded which shews,

is ordered to be served on the opposite party, and is answered by an unauthenticated statement on his part. Then counsel may be heard, without ascertaining the facts. Then, if the parties differ as to facts, there is a proof by commission. Then this proof is reported, and counsel are heard. Then may follow written arguments, in the shape of memorials, or informations, which are printed.—Thus an immense delay takes place, and all this while the prisoner remains immured.

The case of a committal for treason is, as the law stands, without any remedy, being not within any known law. It is expressly excepted from the act 1701; and by the act of queen Anne, after the Union, the law of treason is declared to be from thenceforth, in all points, the same in Scotland as in England. The remedy, therefore, in a case of imprisonment for treason, cannot be by the Scots common-law process of bill of liberation. It should seem to be, by the English common-law writ of habeas corpus; but there is no machinery for issuing this writ, so that it may run in Scotland. It comes out of the English chancery, and only issues on the fiat of a Judge of the court of King's-bench, or of the lord chancellor.

In regard to bail, which forms the second consideration in this matter, this seems to me to be sufficiently provided for, as to amount, by the 39th of the late king; which it is, therefore, not my intention to alter.—One clause in it, that relating to bail in cases of sedition, by which the amount in these cases is left undefined, to be measured by the terms of the accusation only, I meant to have repealed; but I understand it is to be repealed by the act brought in by the lord Advocate, for limiting the punishment in cases of sedition,—an act, which I have already said, reflects great honour on him.

The defects of the law, in regard to the means afforded of compelling bail to be taken, are considerable. There is no provision for any examination by the Supreme Court into the causes or grounds, on which the warrant of commitment has issued, and on which the offence is charged, as being of the character therein stated. It has been decided, in a late case, in the courts in Scotland, that a judge of Justiciary cannot interpose, unless he is competent to try the crime: and that fraudulent bankruptcy is of this description. So that, in vacation time, there is no remedy, if a man be charged with this offence. Add to this, that the time allowed, within which bail must be taken or refused—twenty-four hours—is too short to admit of an investigation into disputed facts; and, indeed, seems to infer its exclusion: and the pains and penalties, being, in all cases an incapacity of public trust, over and above the pecuniary fine, are too high to be readily enforced.

The last consideration is, the preventing an undue delay of trial. This rests entirely on the act 1701. It provides for two cases;—a first imprisonment under a warrant of commitment for trial; and, a second imprisonment under a new warrant for the same imputed offence. I will not detain the House, by stating minutely the steps it directs; they may be seen, by reference to it. But it is necessary that I should shortly mention the objections to them. These are of two sorts:—1. The obscurity and uncertainty of the wording of the Act.—2. The defects of its provisions.

In regard to its obscurity and uncertainty, the following questions have arisen:—

1. It is provided, that the letters of intimation shall call on the prosecutor to "fix a diet for the trial within sixty days after the intimation." Now, under this clause, a question has arisen, whether the sixty days relate to the fixing, or to the diet (*i. e.* the day of trial), namely, whether it is sufficient to execute or serve the indictment within sixty days, the indictment containing notice of a future day for the trial; or whether the trial itself must commence within sixty days.

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that, even when the warrant is, ex facie, defective, the process of liberation has not always been considered so much of course, as one would suppose from the words of the act. There is, besides, a declaration in the act, that any warrant, granted as above, shall be void and null; which evidently implies, that the party imprisoned is entitled to be immediately, or in the speediest manner, liberated, on application to a judge. In the case of the warrant not expressing the cause, he seems entitled to be immediately liberated, without even intimation to the party concerned in the commitment, it being a defect apparent on the face of the warrant; and which, therefore, is instantly verified by the production of the warrant. Notwithstanding this, in the case of O'Neil, 19th June, 1716, who applied to be liberated on the ground of the warrant against him not expressing the particular cause, the petition was ordered to be seen by the advocate depute, and this even by a distant day; and it was only on no objection being stated by him, that the liberation was granted."—*Burnett*, 327.

This is a very important question; because, the limitation of time for the trial to be brought to a conclusion extending to forty days, usually held to run from the day of giving notice of trial (or executing the indictment which contains the notice), if the former construction be right, the trial may be fixed by the prosecutor for the hundredth day; if the latter, it cannot be beyond the sixtieth day; after which the prisoner is in the hands of the court, and no adjournment can take place but on cause shewn. The present practice, however, is the other way; though I know of no decision which authorises an interpretation contrary to the natural meaning of the words, if not their grammatical construction, and certainly contrary to the acknowledged rule of law to interpret doubtful passages of remedial statutes, made for the liberty of the subject, so as to advance the remedy, and as is most favourable to that liberty.*

2. A second question is, supposing the limitation of sixty days to apply only to the executing the libel, whether the trial must take place and be concluded within forty days from such execution, or, the diet of trial being fixed for any day, however distant from the day of such execution, whether all that is required is, that the trial be concluded within forty days after the diet so fixed. If so, the benefit of the act may be entirely done away. This was argued in the case of M'Ewan, in 1776, but left undecided.*

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* "Now, there are more than one sense, in which we may understand the words made use of in the Act, 'to fix a diet for the trial within sixty days after the intimation.' The meaning may either be, that the prisoner shall be served with a libel, calling him to a diet of trial, which diet is within the sixty days, or it may be more favourable to the prosecutor—that within the sixty days he shall serve the prisoner with a libel, calling him to appear for trial at some future diet, no matter whether such diet be within the sixty days or not; but although, in themselves, the expressions are equivocal, yet on a complete view of the whole law, and taking the clause as to the sixty days in connexion with the clause last recited, which limits the endurance of the trial to forty days more, I think it is clear that the legislature meant to provide only this security for the prisoner, that he should not be confined for more than one hundred successive days in all; and that under this ultimate limitation, together with the special one of obliging the prosecutor to execute his libel within the first sixty days, it was meant to leave him quite at large, with respect to the diet of compearance. Indeed, it is to be observed, that the opposite construction would not in the end be of any material advantage to the prisoner, because, though the prosecutor call his libel on the sixtieth day (and by no interpretation of the statute can he be obliged to call it sooner), yet still, if he be not ready to proceed on that day, he may obtain continuations of the diet thenceforward, for reasonable causes, from time to time, until it suit him; under this limitation only, that he bring the trial to an issue within forty days more. Now, this is as great a latitude as arises under the other seemingly more favourable construction of the Act."—3 *Hume*, 169.

But it is obvious, that there is this material difference in the situation of the prisoner—that by the one construction he is at the mercy of his prosecutor for forty days after the sixty are expired; by the other, he is in the hands of the Court, who are bound not to defer the trial, but on reasonable cause shewn. Again, by ordinary grammatical construction, the words sixty days refer to the words diet for the trial. Further, if this be otherwise, then is there, by the words of the Act, no limitation of time within which the diet must fall, and consequently no limitation of time within which the case must be determined by final sentence; since the limitation of forty days for final sentence, obviously, and by necessary construction, relates to the insisting in the libel when the judge shall put the same to a trial. The words of the Act are these:—"And the diet of trial being prefixed, the Magistrates of the place, &c. shall then be obliged to deliver the prisoner to a sufficient guard, that the prisoner may be sisted before the Judge competent; and his majesty's advocate, &c. shall insist in the libel, &c. the Judge put the same to a trial, and the same shall be determined by a final sentence within forty days." So that, by this construction, the prosecutor being only bound within sixty days to fix the diet, may fix a diet which shall fall on any day, however distant; the only security remaining to the prisoner, being, that after the diet has taken place, and the judge has put the libel to a trial, final sentence must be pronounced within forty days more, whenever these may expire. Accordingly, this is the next question.

* "But here arises another and a still more important question. If, as already said, all that the prosecutor need do within the sixty days, be to execute his libel, is he absolutely at large as to the diet of compearance which he shall name, how distant soever? or has he allowance only for beginning and finishing his trial of forty days at most, immediately succeeding to, and connecting with the sixty. This, though a very material question, and such indeed, in my humble opinion, as tends to affect the benefit of the whole series of provisions in this part of the statute, is still an undecided one, though it occurred some years ago, and was then the subject of an argument at the bar.

3. A third question is this. It is declared by the act, that, after the lapse of sixty days without the diet being fixed, or of forty days without bringing the trial to a conclusion, the prisoner shall be discharged; and after that, "it shall not be lawful to put or detain him in prison for the same crime, unless there be new criminal letters (a form of indictment) raised, and duly executed against him." Now, if he be indicted and brought to trial, but the trial not finished within forty days, and he be thereupon discharged, is he subject to be of new imprisoned, on new criminal letters, in the same way as if he had been liberated for want of fixing the diet within sixty days? This involves a question of forty days' imprisonment, which may be added by the contrivance of indicting within the time, with the intention of abandoning the trial before the jury is sworn, and then re-incarcerating on new criminal letters.

Mr. Hume thinks this not a very reasonable construction, but within the letter of the act. I think it is so, but it has never been so decided, though it is, as I understand, frequently adopted in practice *

This was in the case of Alexander M'Ewan and Isabel Butcher, prisoners in the gaol of Perth, upon a charge of theft. On the 1st February, 1776, these persons had made intimation, in terms of the statute, to the procurator Fiscal of the county of Perth. On the 30th of the succeeding March, just as the sixty days were about to expire, they were each of them served with a libel, at the instance of the lord advocate, calling on them to take their trial at the ensuing circuit, to be held at Perth on the 25th of May. At that diet, besides other objections, it was pleaded in bar of process, that it behoved the trial to close within forty days computed from the expiration of the sixty; and that here the whole term of one hundred days had expired, before even the calling of the libel. The prosecutor maintained, that the forty days ran only from the diet of compearance on the libel, and that this he might fix earlier or later, at his pleasure. The judges on the circuit referred the case for the consideration of all their brethren, who ordered informations; and on advising these, thought it proper to direct an inquiry into the state of practice. But hereupon, the lord advocate consented that the prisoners should be dismissed, on account, he said, of the long confinement which they had already suffered, and the further time that must be spent in obtaining such a report. The prisoners were dismissed accordingly, but under an express reservation of the right of the lord advocate again to insist on the same plea, at the convenient season, if he should see cause.

"It may, however, be conjectured, from this desertion of so capital a point, that the prosecutor had not been sanguine in his expectations of success; and, certainly, there are considerations of no little weight, which may be urged against his construction of the enactment. This in particular, which some may think is of itself decisive of the whole controversy, that truly such a construction would utterly defeat the beneficent intention, and render vain and nugatory the whole, wise, and excellent provisions, of this valuable law. For to what purpose have the legislature so anxiously ordered, that the magistrate shall intimate to the informer within twenty-four hours, and the informer execute his libel within the sixty days, and the prosecutor bring the trial to an issue within forty days, if the term from which this last period is to be computed has been left entirely at the prosecutor's discretion, to be fixed as late as he shall choose? If this be so, as well might all the other periods have been left at his discretion too. And in truth, according to this interpretation of the law, there is no time limited for insisting (a phrase which is repeatedly made use of in the statute), since the prosecutor may refrain from beginning to insist as long as he please.

"But with respect to the prisoner who is served with his libel just at the end of the sixty days, according to the construction which I am now disputing, not only has he no means of bringing his trial to a close, but not even to a commencement, within forty days more, nor within any limited period whatsoever; but he must remain continually in gaol, perhaps for several months more, as the prosecutor shall determine, before the calling even of the libel. Accordingly in the case of M'Ewan, there were fifty-five days between the execution of the libel and the diet of compearance."—3 *Hume*, 170.

* "Let us now inquire, what is the consequence of that desertion of the diet, which takes place under the clause of the statute last recited, where the prosecutor, after duly executing his libel within the sixty days, either does not insist at the diet thus named, or fails to bring the trial to a conclusion within the space of forty days? Is it merely the release of the prisoner for the time, but subject to recommitment and a second trial? Or, has he a protection thereby, against all further challenge and question for that offence? It is very clear, that in all those instances where, before the expiry of the forty days, the libel has so far been insisted in as to be remitted to a sworn assize, the desertion of the diet afterwards is equal to an absolution of the charge. If the prosecutor has so managed matters, that verdict is not returned, or sentence not pronounced, within the forty days, certainly this blameable remissness on his part cannot purchase for him a dispensation from that rule of our law, which says, that no man shall thole an assize twice

4. A fourth question is, whether, in computing the forty days, the day of the commencement of the trial shall be included? This was argued in Thomson's case, 1739, but has never been decided. *

5. A fifth question is, whether the limitation of sixty and forty days applies to forgery tried in the court of session? This was argued in Stark *v.* Burnett, 1748, and it was found, that it does not apply; and it is so held by lord Bankton and Mr. Hume.

6. A sixth question is, whether the act applies to fraudulent bankruptcy? And it has been found that it does not. This case is now under appeal.

7. A seventh question is, whether, in case of a second prosecution on new criminal letters, after the prisoner has been liberated by running his letters in the way I have mentioned, the limitation of forty days for ending the trial applies, if the accused be not incarcerated, but either on bail, or at large without bail. This was argued, and referred to the high court of Justiciary from the circuit court, in the case of Mackinnes, 12th January, 1803, but not decided. Mr. Hume is of opinion, the limitation does not apply in this case; and so are the words of the statute; and the object of the statute seems to have been merely to prevent long imprisonments. * The defects of the statute, from the want of provisions which it wholly omits, are scarcely less important, than the want of certainty which attends those it contains.

In the first place, a poor and unprotected man, who is ignorant how to proceed, or who has not the means of obtaining professional advice, and of following out the steps appointed by the statute for forcing on his trial, or who, from any cause, is afraid of doing so, may remain in gaol for ever. He is entirely in the hands of the prosecutor. If of the public prosecutor, he will probably be tried some time or other; but that he should be many months in gaol first, and that, after being for months in gaol, his case should lie over from one circuit or assizes to another, without being moved in, is very far indeed from an unusual occurrence.

This may subject him to nearly twelve months' imprisonment before trial; nor is there any reason why it should not be longer, if he is more afraid of trial than of imprisonment, and if those, who conduct

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for the same crime; but even where the diet is deserted at an earlier period of the process, or perhaps at the first calling of the libel, on account of the failure to insist, these reasons may be alleged why the panel should have his full discharge of this accusation—1st, The statute has said, that the diet is here to be deserted, simpliciter; whereas, if the prosecutor may still insist in a new action, the proceeding truly amounts to a desertion pro loco et tempore.—2ndly, According to any other construction, this part of the enactment is in some measure ineffectual and imperfect. For wherein is it any material advantage to the accused, that his trial under the first libel must come to a close within forty days, if the prosecutor can again bring him into jeopardy, and add a new term of forty days more to his confinement, by the simple expedient of deserting that libel, and raising another?—3rdly, It may be argued, that if received in any other sense, the provisions of the statute for the several cases and situations mentioned in it are unequal and capricious. One against whom no libel is raised within the sixty days, can in no event be confined for more than a hundred days in all. But, according to the construction now spoken of, one who is served with his libel on the sixtieth day may be kept in gaol, and under trial for forty successive days; and then he may have to suffer confinement for forty days more under a new libel, raised after desertion of the first one.—4thly, The prosecutor suffers no hardship in being obliged absolutely to conclude his process within the forty days, a space of time which is almost always sufficient for that purpose.

"Notwithstanding these considerations, which, in themselves, may seem to be of some weight, we shall find reason, perhaps, in the expressions of the statute, and the arrangement of its several clauses, to doubt, at least, whether they are decisive of this question."—3 *Hume,* 175.

* "In the case of Robert Thomson, in June, 1739, it was debated, but not decided (neither has the question occurred since), whether the forty days must be free days, that is, preclusive of the day on which the trial began."—3 *Hume,* 174.

* "It may deserve to be considered whether the limitation of the forty days at all applies to the new process, if instead of seeking warrant of re-commitment on his libel, the prosecutor leave the accused at large, either in reliance on his disposition to appear, or on free acceptance of his offer of bail, in a case, where by law, he cannot ask to be released on those terms. By the express words of the act, the forty days are to be counted from the date of the new commitment; and it is plain, that the single object and purpose of this limitation is only to shorten the prisoner's confinement. If, therefore, he be at large all the while, he is not in the case which is provided for by the act."—3 *Hume,* 166.

the accusation, are doubtful of their case as it stands. These are usually the sheriffs and county magistrates, from whom the lord Advocate receives his information; and it happens very often indeed, that, when the case is to come on at the assizes, or circuit, the Advocate Depute finds his information incomplete, and puts off the trial, on the representation of these magistrates, that further evidence may be procured. This is not only a grievous wrong to the prisoners, but a great hardship on that part of the public who must maintain prisoners till they are tried; and would be insufferable from its effect in crowding the gaols, if persons taken up in Scotland, accused of crimes, were more in number than they happily are.

This I propose to remedy, by the introduction of a proceeding in the nature of a gaol delivery.

In the second place, there is no provision for forcing on the trial at the assizes or circuit court; but the prisoner, if he runs his letters, incurs the risk, and frequently the certainty, of bringing it on at Edinburgh, at a distance from his witnesses, and either at an expense which he cannot afford, or with a degree of danger which he dare not encounter. I have known many instances of these considerations deterring these unhappy persons from taking advantage of the act 1701, and subjecting them to a lengthened imprisonment in consequence of it. I propose to obviate this, by putting it in the power of the prisoner to set forth, in his letters of intimation, that he desires only to limit the delay of his trial to the next circuit for the district where the crime is said to have been committed.

In the third place, there are no means, by the act, of getting finally rid of an accusation, though letters of intimation have been run, and the necessary length of imprisonment—a hundred days—endured; for the new criminal letters may be delayed as long as the prosecutor chooses. I propose to limit this to two years.*

Lastly, the case of imprisonment on an accusation of treason is without all remedy. This defect I propose to supply. Sir,

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* The efficacy of the remedy afforded by the Act 1701, is well illustrated by a case mentioned by Mr. Hume, in 1754, and by the later case of Mackinlay, either of which cases may, under the existing law, be that of any man in Scotland.

"Duncan Clark had been imprisoned on a charge of murder, had run his letters, and been discharged at the end of the sixty days. Soon after, he was committed for theft, ran his letters for that offence, and was served with a libel, calling him to a diet near the end of the forty days. That libel was deserted, and he was of new committed, on a charge of wearing the Highland dress. And finally, he was brought to trial on the original charge of murder, of which he was acquitted. This appears from Minutes of Debate, 10th June, 1754. The evidence on the trial is curious in one particular: for one of the chief witnesses against the panel details the discovery of the dead body and of the manner of the murder, by means of intelligence received from the ghost of the deceased."—3 *Hume*, 178 note.

Andrew Mackinlay was apprehended on the 22nd of Feb. 1817, on a charge of high treason, and also for administering unlawful oaths, contrary to 52 Geo. III. 104. He was brought before the sheriff of Lanarkshire for examination, and committed to Glasgow gaol for trial. On the 17th of March, a petition was presented to the lords of Justiciary by the lord advocate, which set forth, that he charged Mackinlay, and one William Edgar. with *high treason*, and prayed for a warrant to incarcerate them in the castle of Edinburgh, for the said offences, till liberated in due course of law. Warrant was granted the same day, accordingly, as of course. Mackinlay was advised by his counsel, that he could not apply to force on his trial under the statute 1701, cap. 6; and that the statute of the 7th of Anne, cap. 21, had introduced the law of England in regard to the trial of treason. Soon afterwards, he was served with an indictment, charging him, not with treason, but felony, for administering unlawful oaths; and a similar indictment was executed against William Edgar.

William Edgar was brought up for trial on the 9th of April, when a debate took place on the relevancy of the indictment, on which the court expressed very serious doubts, and ordered informations (printed arguments). The diet (*i. e.* day of trial) against Mackinlay was adjourned to the 10th of April, and against Edgar to the 19th of May. Meanwhile, the lord advocate abandoned both indictments, and in April new indictments were served. On the 19th of May, Edgar was placed at the bar under the new indictment; but, as the diet on the former was not deserted by interlocutor of the court, Edgar was advised not to plead to the second indictment. A search was appointed for precedents, and the diet adjourned to the 26th of May. It was then found that the second indictment was well served, but the prisoner not bound to plead till the first indictment should be deserted by interlocutor of the court. This being done, Edgar pleaded not guilty, and all diets were continued till the 2nd of June. On the 2nd of June, Mackinlay was brought up on the second in-

I think I have said enough to shew that the law of Scotland, in this most important matter, requires parliamentary revision; and, indeed, that such are its uncertainty and insufficiency, that it would be practically intolerable if these were not counteracted by the state of manners in that country, and the lenity with which criminal justice is there for the most part administered. But it were a great mistake to believe, that much personal suffering and actual evil are not produced in Scotland from this state of the law. In saying this, I do not mean to impute blame to those who are intrusted with the administration of it. If I thought so I should proceed in a different manner. They arise from the defects of the law itself. It may be true that they do not usually fall on persons of the most prudent conduct, or perhaps of the most unblemished character. But this is no apology for the law. It is the proper business of the law to provide that those who are guilty of crimes shall be brought to trial, and to punishment, with no more of suffering than is strictly necessary to these purposes;—and, whatever is inflicted on the guilty beyond this, partakes as truly of injustice and wrong, as if it were inflicted on the innocent. It is attended with as much injury to the public, as to individuals. It enlists the feelings of mankind against the law—it degrades its character, and impedes its course;—and, it is worthy of consideration, that those, on whom these things usually fall, are precisely in that class of life where they suffer the most from them. They and their families are usually dependent on their labour, and, in a greater or less degree, if they are not abandoned, on their character also. To all of them, and to those who depend on them, a lengthened imprisonment is ruin. To those who have a character to lose, the being committed to gaol charged with a crime, is little less, though the accusation turn out to be groundless.

Sir, I am aware that I have discharged the duty I have undertaken, very imperfectly. It was my wish to trespass on your time at no greater length than was necessary; and, if any observations shall be made, which require that I should add any thing to what I have said, I shall trust to the indulgence of the House to permit me to do so.

It is right, that I should say further, that it is not my wish to hurry this measure through the House. If I shall obtain leave to bring in the bill, my intention is, with the permission of the House, to move the second reading for an early day, in order to its being committed, and being printed, with the blanks filled up. After which, I wish to allow sufficient time for its being considered, as well in Scotland, by the judges there, as by gentlemen here — and I shall be ready, for my part, if any such desire is expressed, to permit it to stand over for whatever time may be thought necessary to its due consideration.

Sir, I beg to move you, " That leave be given to bring in a Bill to alter and amend an Act passed in the Parliament of Scotland, in the 8th and 9th Sessions of the 1st Parliament of King William 3rd, intituled, 'An Act for preventing Wrongous Imprisonment and against undue Delays in Trials.' "

The *Lord Advocate* said, he did not mean to oppose the bringing in the bill, but at the same time he thought that great caution should be observed in interfering with a law which had existed for upwards of one hundred years, and which might be considered the habeas corpus act of Scotland. The learned lord then proceeded to call the attention of the House to the advantages of the present law, and contended, that the act of 1701 afforded a

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dictment; and the first indictment being deserted by interlocutor, he pleaded not guilty, and objected to the relevancy. The court, intimating an opinion against the relevancy, but desiring to have informations, the lord-advocate moved to desert the diet on the second indictment, pro loco et tempore reserving to him to raise a new indictment for the same offence: Interlocutor, as of course, was pronounced accordingly. The lord advocate instantly presented a petition, reiterating the original charge of treason, and craving warrant to commit to the castle of Edinburgh, as before; which was granted, as of course. On the 7th of June, a third indictment was executed against him, for administering unlawful oaths; and being brought to the bar on the 23rd of June, he pleaded not guilty, and objected to the relevancy of the third indictment; on which informations were ordered, and the diet continued till the 14th of July. Informations were put in accordingly, and judgment was pronounced by the court on the 18th of July, sustaining the indictment by a majority—Lord Gillies dissenting. He was tried on the 19th, when, after one witness had been cast and four examined, the lord-advocate threw up the case, and the prisoner was acquitted, having been in prison five months.—*Trial of Andrew Mackinlay, printed at Edinburgh.*—1818.

greater protection to the people of Scotland against wrongous imprisonment, than was afforded to the people of England by the habeas corpus act. He hoped, however, that his hon. and learned friend would bring in his bill rather for the amendment than the repeal of the present law, as the word "repeal" might excite some alarm among the people of Scotland. The changes which the bill of his hon. and learned friend would introduce into the law of Scotland would cause all the criminals of that country to be tried in Edinburgh, and would so create an annual expense of 15,000*l.* or 20,000*l.*, without conferring any benefit on the public.

Mr. *Abercromby* rejoiced that his hon. and learned friend had introduced this important subject to the consideration of parliament. At the same time he was quite aware that it was one which required great deliberation, and he was persuaded that his hon. and learned friend was prepared to concede as much delay in the progress of the measure, as could be justly demanded for that purpose. He also concurred with the learned lord, that it would be better that the avowed object of the bill should be to alter and amend rather than to repeal the existing law; for although he thought the act of 1701 very susceptible of improvement, and that it ought to be improved, yet it was an act which had been extremely useful, and which was associated, in the minds of the people of Scotland, with the liberty of the subject. It was agreed on all hands, that the subject was a weighty and important one; and it was desirable that what was done should be done effectually and permanently. The public at large were, therefore, greatly indebted to his hon. and learned friend for the opportunity thus afforded by him of accomplishing so desirable an object.

The *Solicitor-General* expressed a hope, that no alteration would be made in the law without consulting those who were best acquainted with it. He was ready to admit, upon his own knowledge, that the law was chargeable with many uncertainties and discrepancies which called for improvement.

Mr. *Denman* complimented the learned lord on the conciliatory tone in which he had met the motion of his hon. and learned friend, and stated that he should be very happy to give his humble support towards amending any defects which should be proved to exist in the act of 1701; an act which, though it might not be perfect, was passed in very good times, and for a very good and useful purpose.

Mr. *J. P. Grant*, in reply, said, that he would comply with the suggestions which had been made to him, and would alter the title of his bill from "a bill to repeal," to "a bill to alter and amend," the act of 1701.

Leave was then given to bring in the bill.

CATTLE ILL-TREATMENT BILL.] Mr. *Martin*, of Galway, rose to move for leave to bring in a bill to extend the provisions of the act 3 Geo. 4th., cap 71, to prevent the cruel and improper treatment of cattle. His bill was, he said, an exact copy of a bill which had been drawn up by the Attorney-general, and which had formerly undergone discussion in another place. The object of it was, to render the cutting and maiming of animals maliciously, punishable as a misdemeanor. Formerly, that offence was punishable under the Black act as a capital felony; but the repeal of that act had brought the whole law again into force, which punished the cutting and maiming of cattle with transportation, provided it could be proved that the party guilty of such cutting and maiming was actuated by malice against their owner. Now, he wished to give to animals the right of protecting themselves; or rather to give to any person who chose to act as their prochain ami, the right of covering them with the protection of the law. With that view he submitted to the House the draught of a bill which had formerly been drawn up by the hon. and learned gentleman, who now filled the high situation of his majesty's Attorney-general.

Mr. Secretary *Peel* said, he would not oppose the introduction of the bill, on the contrary, he was rather desirous to see it, as it purported to come from his hon. and learned friend, the Attorney-general. He wished the hon. member for Galway would introduce into one bill all the objects of his compassion; because, if he did not, the Statute-book would soon be increased to a very inconvenient bulk. He likewise wished that the hon. member would define more clearly what he meant by the word "malice." Was it malice against the animal, or malice against the master, which he wished to punish?

Mr. *Martin*.—Both, but particularly malice against the animal; who ought to have his remedy at law in such cases.

Mr. *Peel.*—Was it, then, to be considered as malice against the animal, if any person cropped a dog's ears? If the dog was to be the judge, he would certainly deem it malice against himself that led any person to mutilate his body. If he understood any thing of the hon. gentleman's bill, it would certainly tend to put down several practices which at present were very prevalent in our mode of treating brute animals, and would go further than the House would be likely to sanction. He would, however, reserve what he had to say for the future stages of the bill.

Mr. *F. Palmer* read the preamble of the act which this bill was introduced to extend, and contended, that from the very large terms of it, any extension of its powers must be quite unnecessary. He had intended to have opposed the introduction of the measure; but he would forego his intention, in consequence of what had fallen from the right hon. Secretary for the Home Department.

Mr. *Martin* replied, that he had made nothing an offence in his bill, which had not been previously declared such under the Black act—an act under which several men had been hung, and repeatedly executed. It might be a very good joke—though, for his life, he could not see the wit of it—to ask him whether he meant to make the cropping of a dog's ears a misdemeanor. He had, however, a very triumphant answer to give it. It was not declared a hanging matter under the Black act to crop a dog's ears; and, it would not, therefore, under this act be declared a misdemeanor. His bill would not prevent any gentleman from bestowing on his dog that punishment which was necessary to remind it of the discipline it ought to follow in the field. He might whip it if he pleased from sunrise to sunset; but he must not cut it, or maim it wantonly, because such cutting and maiming could neither improve it as a setter or a beagle. In the committee, if this bill should ever get so far, he should propose several additional clauses; but at present he should content himself with introducing it as it had been prepared by his hon. friend the Attorney-general.

Leave was given to bring in the bill.

Abuses and Mismanagement of Bradford Gaol.] Mr. *John Smith,* in rising to bring forward a motion relative to Bradford Gaol, paid the lord lieutenant of the West Riding of Yorkshire, a compliment on the readiness with which he had interfered the instant the matter was known to him. He was afraid there were many cases of such oppression exercised under the name of law and justice, in some of the smaller places of confinement in the country. They were a disgrace to the country and the age. The facts of the case which he had to lay before the House were these:—an individual who was arrested for a trifling debt, had soon afterwards escaped from confinement. Before he had been long at large he was retaken, and lodged in Bradford gaol. Here, under the directions of the bailiff, for it appears the keeper was a very old man, and quite incapable of attending to the duties of his office, the prisoner was loaded with irons, and never for one instant were the handcuffs removed from his hands for seven days. Owing to the humanity of his fellow-prisoners he then obtained some respite; but he was afterwards kept in irons seven weeks, and these irons were never removed, except for a few minutes once a week, to change his shirt. He admitted that part of the hardships the prisoners suffered were owing to the nature of the gaol, and were not to be imputed to the gaoler. One of the miscreants who had inflicted these cruelties was afterwards tried, convicted, and punished. He had an opportunity of seeing most of the county gaols, and he knew a much better system existed in them. This sort of petty tyranny did not exist in them, and he hoped, something would be done to regulate these minor gaols. He had heard of other oppressions, but he made it a rule not to bring any thing forward of that description, without the most convincing evidence. He might, however, mention, that a great degree of oppression was exercised on men who were shut up in these filthy places for four, five, or six weeks, when they were indebted some paltry sums; such inflictions, though of great consequence, escaped public notice, and the poor wretches were left without protection or means of redress. The hon. member concluded by moving, "That an humble address be presented to his majesty, praying that his majesty would be pleased to lay before the House copies of all the correspondence which had passed between the Secretary of State for the Home Department and the Lord-lieutenant of the West Riding of Yorkshire, relative to the abuses and mismanagement of Bradford Gaol."

Mr. Secretary *Peel* certainly did not mean to oppose the motion. If such abuses were committed, he would not take on himself the task of protecting the guilty parties. The papers would be found to reflect the highest credit on the lord lieutenant of the West Riding; for, as soon as he had heard of the matter, he had made it his business to inquire into it, and transmitted the whole account to him at the Home Office. He had thought it his duty to refer the matter to the Attorney-general, and one of the parties had been prosecuted and punished. He was aware of many of the evils arising from these local jurisdictions, and had himself brought in a bill last session, to enable the magistrates of such jurisdictions to send these prisoners to the county gaols. He believed that, when the matter should be inquired into, it would be found that most of them had taken advantage of the provisions of this bill. In Essex this had long been the practice. He wished, however, to go further than this bill, and should not be sorry if there were no local jurisdictions whatever. He should be well pleased to see all crimes tried by the regular judges and all the local jurisdictions abolished.

Mr. *Abercromby* complimented the right hon. gentleman for the sentiments he had just expressed, and hoped he would not stop short in his career. He entirely concurred with the right hon. gentleman as to local jurisdictions; and thought, if the right hon. gentleman referred to their origin and mode of administering justice, that he would not hesitate as to the course which he ought to pursue. At least, all crimes involving capital punishment, should be tried by the judges. The best mode of proceeding would be the appointment of a commission to visit the different places, and report concerning them.

The motion was agreed to.

Children in Cotton Mills.] Mr. *Hobhouse* said, he would not at that late hour trespass on the House with any observations; but, merely move for leave to bring in a bill, the object of which would be, to regulate the working hours for Children employed in Cotton Mills.

Mr. *J. Smith* highly approved of the measure, but thought it would be better to make it more general, and extend it to other mills, such as those for manufacturing flax and woollens.

Mr. *Hobhouse* said, he had found so much difficulty in making regulations for cotton mills, that he thought that single object was enough for a single person. If the House was disposed to make it a general measure, he should have no objection.

Mr. *C. Wilson* also wished to see the measure made general, and applicable to children employed in all such mills.

Mr. *Peel* said, he had no objection to the hon. member's bringing in his bill: but he entreated the House to pause before it entered too extensively into this field of legislation. The present bill was like one to which he had before given his support; but the House must take care and not carry this sort of legislation too far. If they made the regulations too severe, the masters might refuse to employ any children.

Mr. *W. Smith* was in favour of the bill. He thought the former measure was inoperative, because the visiting magistrates were not empowered to inspect the cotton mills.

Leave was given to bring in the bill.

HOUSE OF COMMONS.

Friday, May 6.

Roman Catholic Relief Bill.] Mr. Brougham moved the order of the day that the House should resolve itself into a committee of the whole House on the Roman Catholic Relief bill. On the question, that the Speaker do now leave the chair.

General *Gascoyne* rose and said, that his opinions as to the impolicy of this measure having remained unchanged, he was anxious to avail himself of the earliest opportunity of entering his protest against the bill now before the House. He had opposed this measure when it was introduced alone, and discussed solely on its own merits; but he was the more determined to oppose it when he found it accompanied by its adjuncts—the clergy provision bill and the elective disfranchisement bill—both of which he was bound to consider as component parts of the measure itself. Looking at it in all views, he could not help thinking, that if passed, the whole measure would be one of the most milk and water kind that ever proceeded from parliament. That part which related to the elective franchise in Ireland, was exceedingly objectionable; there was no knowing to what extent it might not be carried, and where it would terminate. No man was sanguine enough to assert that the experiment would be successful. If he understood correctly the intention of the hon. gentleman who introduced the bill, it was not meant to affect the existing 40*s.* freeholders; but, as they expired, the right to vote which would devolve, under ordinary circumstances, on those who succeeded them, was to be done away, by which measure about 250,000 persons would be disfranchised. Such a measure as this appeared to him to be highly objectionable. Another branch of the project was, to provide for the Roman Catholic clergy, and a resolution for that purpose had already passed the House; but the bill had not yet made its appearance. Perhaps the noble lord (F. Leveson Gower) had met with some unexpected difficulty, which he could not surmount; and it seemed to him that the noble lord had already got himself into an aukward dilemma. A bill of that kind could not be brought in without the consent of the Crown, because it required a grant of public money—a very heavy grant, such as ought not to be voted without serious inquiry. If the minister stood up in his place, and declared that he gave his approbation to the measure, he should conclude that he did not do so, without having consulted his royal master, and received his commands upon the subject. The assent of the minister would imply the approbation of the king; and it was not, in a case like the present, to be looked upon at all as a mere matter of form. If, then, this approbation were not given by the Crown, the minister could not communicate its assent; and then there would be an end of one of the wings of the Catholic bill; one flank company would have retreated without firing a shot. With regard to the opinion of the people at large, he was satisfied that seven-tenths of the population of this country were decidedly hostile to concession. What was at present the state of the House? The period had arrived when the demise of the present parliament might ere long be expected: perhaps at the expiration of another session, or sooner, the parliament might die a constitutional death, as it was not likely, that it would be allowed to linger on to the last gasp. Was it quite certain, then, that if the Catholic bill passed, the next parliament would approve of it, and that ministers might not be called upon, on their responsibility, to satisfy the two Houses upon the subject. He did not make this remark because he was at all afraid of a dissolution. He had no apprehensions upon the subject; but it was attended with a great deal of trouble, and that trouble he and all men were desirous, of course, of avoiding. He alluded to this state of things only for the sake of urging, that the present was not the fit period for passing a bill like that, the commitment of which stood for this evening. In his opinion if it were likely that the matter would be settled in the House of Lords immediately, it would be the duty of the minister to advise a dissolution of parliament without delay. He was as confident as any man could be, that nothing could make the bill more unpopular than tacking to it the provision for the Catholic priests. From every thing he heard, and from every thing he saw, he was thoroughly satisfied that if the House permitted the bill for the support of the priests to pass, no responsibility being attached to those who brought it forward, no adviser of the Crown having been consulted on the question, it would be attended with very serious consequences. He thought the House would be acting not only incautiously, but rashly, if they carried into effect a bill of this kind; since, in all human probability, the next parliament would recede from the enactment; and thus the country might be plunged into a state of anarchy and confusion, from which it would be difficult to extricate it. The conduct of the attorney-general for Ireland, on this occasion, surprised him much. He had called on the House, very properly, to suppress the favourite association of the Catholics—that association which was said to represent the opinions and feelings of the whole body. But, it was most extraordinary that he should, almost in the same breath, when he moved the third reading of that bill, the object of which was to put down the organ of the Catholic body, introduce another, admitting to the highest privileges in the state the very persons whose conduct had excited so much apprehension. How could his learned friend reconcile this? He wished to know to what extent it was intended they should go? He was desirous of being informed what constitutional loss was likely to be sustained by those different measures, and whether any intention existed of bringing forward others? If the people of England were reconciled to this bill for emancipating the Catholics—if their feelings could be ascertained, and those feelings were favourable to it—then the measure might be passed with safety. But, as they knew not what the real feeling of the people were, he called on the House to pause. If they did not, he feared they would have reason to rue their hasty proceeding. It was not his intention to oppose the motion for going into a committee. But, as he felt very strongly on this subject, he had availed himself of the present opportunity to declare his opinion.

Sir *T. Lethbridge* objected strongly to the motion for committing the bill, but he rose more for the purpose of recording his opinion than with any other object. He was decidedly of opinion that a division ought to be taken in the present stage, though he could not but admit that his hopes of success were faint. He would state shortly his views upon the question. This attempt at legislation depended upon the institution of oaths, and it went to repeal that oath which every member had taken in the face of the House and the country—the oath of supremacy. Although, no doubt, every hon. gentleman well remembered it, he begged that the clerk might read it. [The clerk read the oath accordingly, as taken at the table.] If, then, resumed the hon. gentleman, it should turn out, that the bill before the House would have the effect of violating the oath which had been just read, he need not say what would be its effect on all hon. members who looked at this subject in the same way as he did. There were two points of view from which this question might be contemplated. The first was, that every member who was returned to that House as a representative of the people of England, entered it upon the condition, implied if not expressed, that he would preserve the British constitution in church and state, as it had been handed down to us by our forefathers. This condition, according to his apprehension, no member was at liberty to get rid of. The persons by whom these hon. members had been returned were well aware of the nature and effect of this oath; and he was glad of the present opportunity of telling the House, that those persons were neither so ignorant nor so careless about it as they had been represented to be, but were sensibly alive to the course which was now proposed to the legislature of the country. The other view which he took of the subject, and which, in his opinion, was not less forcible, was, that by a direct enactment, the House would recognize the authority of a foreign potentate. The terms of the oath which had been read were positively against any such introduction; and yet, by the bill, it was proposed to form a board of Catholic bishops, who were beforehand engaged by a solemn oath to obey in all respects the authority of the church of Rome. This he took to be a point which by no argument the House could get over. Arguments might be used against this with so much ingenuity, that he should find it difficult, perhaps impossible, to answer them; but he denied that any man could controvert the fact which he there advanced. He trusted that the House would see its forcible effect, and not persist in a course which must stultify all the past experience of parliament, and break down the securities which had been wisely provided for the protection of the constitution. If the House would look to the preamble of the bill, they would find a great deal about the permanence and inviolability of the Protestant church. He might, perhaps, be told, that he ought not to attempt to pull to pieces the bill; but whether in the opinion of others, he ought, or ought not, still he would do it. It was altogether a most vicious piece of legislation, and it could never be passed without a violation of that solemn engagement which they had entered into with one another and with the country. There was in the very outset of this bill a curious anomaly. It talked, as he had said, of the preservation of the Protestant establishment; and yet, in the subsequent parts of it, it proceeded to provide for the return of Roman Catholic members for Ireland. Now, in the union with Scotland, there was a clause directly against the return of any such members. This, therefore, was to him not only an important point, but one which the House could in no way get over. Not, however, to dwell upon this, he would call the attention of hon. gentlemen to the statement, that the declarations related only to matters of spiritual and religious belief, and not to the allegiance of his majesty's subjects. The truth of this statement could not be proved. If it could, why were Catholic members not now sitting there? Why was it necessary to legislate for them at all? Did they not profess and entertain (and he gave them credit for the zeal and sincerity with which they did so), their faith in the supremacy of the church of Rome; and did they not vow to continue that faith to their death? Their allegiance, then, was divided. The allegiance of the subjects of these realms ought to be entire, and was payable to the sovereign on the throne; who was acknowledged to be the supreme authority in all matters, spiritual as well as temporal. Upon what pretence, then, could Catholics pretend to a consitutional and undivided allegiance? It was a contradiction in terms to talk of it, and, in fact, was wholly opposed to the truth. What was the objection of the Catholics to the oath of supremacy? It was only for one little word, to which they could not agree. And, did the oath proposed by the bill before the House (which he did not quarrel with because it was tightly worded) obviate this objection? Had any of those persons whose evidence had been taken as conclusive authority in the committees, been asked, if they would take this oath? He believed that no honourable and conscientious Catholic could be found to take this oath. He might, perhaps, misunderstand the creed of the Catholics, but he believed, nevertheless, that it would be found very difficult to induce any of them to adopt this oath? He wished to know whether the Catholic bishops would do so. He had read through the evidence of Dr. Doyle; and very heavy work he had found it. That reverend prelate had been asked, if he had taken an oath of obedience to the pope of Rome; and he answered that he had. He was then asked, if he recollected the contents of that oath, and he answered that he did not. It appeared to him rather extraordinary, that a person of his high character in the church to which he belonged should not know this. Dr. Doyle said, however, he could get a copy of the oath from the Vicar Apostolic. He (sir T. L.) did not know whether this oath had been seen by any member of the House: for himself, he had not been able to find it, high or low. He had, however, got a copy of an oath, which he believed was that taken by the Roman Catholic clergy, and which, although he would not pledge himself for its verbal accuracy, was, he believed, nearly correct. The persons making it swore to pay entire obedience to their lord the pope, and to assist him in the recovery of the popedom and the royalties belonging to it against all men,—to support his authority to the utmost of their power; and, as far as was possible, to make other persons do so, and to receive as conclusive the decisions of the holy canons, and of the council of Trent. Now, how was it possible that persons who had taken this oath could with a safe conscience, substitute for it another, which in every word and sentiment was opposed to it? It was impossible to do so without the commission of flat perjury; and that consideration, if it were the only one, was, in his opinion, so important, that it ought to influence the House against going into the committee.—With regard to the commission of Roman Catholic bishops, he objected to this, because it was to be composed wholly and solely of these persons. In all the previous bills of a similar nature, security had been provided, by the introduction of Protestant councillors among these bishops; but here there was to be no control over them; not even by the power of the sovereign himself. Was this constitutional? Was it safe or expedient, that this power should be vested in the hands of Roman Catholic bishops, who, as he had proved, had already taken an oath of unlimited obedience to the pope? Was this like the wise and cautious proceedings of our forefathers, who, after they had established the civil and religious freedom of the nation, provided a sufficient security for their future preservation? But, was there any security in this—that a Protestant monarch, a Protestant parliament, and a Protestant church, should succumb to a Catholic faith? Honourable members on the other side of the question were always forward enough to declare their determination to support and uphold the present church and state establishment. Even on the occasion of a simple petition being presented, they were ready to start up and avow their fidelity towards the existing institutions; while their conduct was directly the reverse. He would not detain the House much longer, having sifted the subject thoroughly, though he believed in an inefficient manner. But if ever there was a bill offered to parliament full of vicious principles, this was it. It had been said, in the course of the arguments used in support of the Catholic rights, as they were called, that the Irish Roman Catholics of the present day were not what they were a century ago—that they had become so altered, that we might now safely admit them within the pale of the constitution. How stood the fact? The more we looked into their measures—the more we entered into a view of their proceedings—the more we looked into the conduct of the Roman Catholics, whether in Ireland or in any other part of the world—the more we should be satisfied to the contrary. Whether we looked to them in Ireland—whether we looked to them in foreign countries—or whether we looked to them in the pages of the evidence adduced before the committee of that House, the more certainly should we come to a contrary conclusion. As to the evidence before the committee of that House, it was, as might be expected, most carefully worded—it came out of the mouths of those who looked to the main chance, and who took care that it should be what was best calculated to forward their own interests under existing circumstances. Its general bearing was all one way; and unless he had read it, with a great deal of prejudice, by which he had formed an erroneous opinion, it had no other tendency but that which he had described. He must advert to one or two passages in Dr. Doyle's evidence, which were conclusive on the subject. That reverend prelate had actually allowed that the pope had authority over spiritual matters in Ireland; and when asked another question, he had also stated that the nomination of Irish Roman Catholic bishops had been settled by the pope since the extinction of the Stuart family. That was telling us a good deal, and showed clearly, that the pope had an influence in these realms which was inconsistent with the well being of our government, as by law established. As to temporalities also, the same reverend prelate admitted, that if temporal offices were attached to the Roman Catholics, any interference by a Protestant monarch would be deemed inconsistent with the Roman Catholic religion. He believed this prelate spoke with sincerity. He believed that these doctrines were consistent with his creed. He believed they were in perfect accordance with all his views. It was so, and it ever would be so; as this country would find, if the Catholics were admitted within the pale of the constitution. Let any one look to the feelings and sentiments of the same prelate, when writing to the Secretary of the Kildare Catholic rent Association. In his library and at his desk this Catholic bishop deliberately promulgated opinions and doctrines to which he must ever feel himself opposed. He said "the spirit of the Catholics had not yielded under oppression, but like the ruins of their ancient greatness, which overhung that town (Kildare), retained their venerable and majestic appearance, and reminded the beholder that it had once been great and free. Although now it was enslaved by the tyranny of a worthless and base faction, it could spare from its competence, or even its wretchedness, a part of what had escaped the hand of the despoiler." This certainly was a feeling promulgated before the institution of the committee up stairs. But he could not forget, in all that had been said in that House and elsewhere about getting up petitions, what had lately transpired, when a petition was getting up in the neighbourhood of Wetherby in favour of the Roman Catholics. A Catholic gentleman of high standing, of great talents, and of considerable influence in that neighbourhood, had, after indulging in much eloquence against the anti-Catholics, proceeded to a course which was quite declaratory of the views he entertained. The pith of what he said was this: "To see our abbeys, our cathedrals, and our churches confiscated and demolished; to see our patrimony thus given up to the cruelty of Protestants, whose doctrines our consciences forbid us to believe, is beyond bearing." This, coming from a Roman Catholic gentleman and a layman, was quite sufficient to satisfy him of the danger of passing this bill. Would any man say, that, if an opportunity occurred to recover what was lost, that individual would not lend his influence—that he would not feel himself bound to lend his influence to forward the views of the Catholics; and that if he were in that House, he would not propose or promote a motion for the restoration of the Catholics to all their ancient possessions? He would now advert to the Roman Catholic Testament put forth by Dr. Troy, in 1816. The preface of that work would show what the true feeling of the Catholics was. The Papist was therein enjoined to burn or deface all heretical books, "for instance, the English Bible." The same preface went on to warn the Catholics to avoid the English Bible, as containing doctrines contagious and noisome; and to caution them against listening to the Protestants, as their prayers were no better than "the howling of wolves." He would not go further through the pages of this work; but he thought it completely overturned the position, that the Papists of 1825, were not the same sort of people as the Papists of 1725. He could say, with the hon. baronet, who was now crossing the floor (sir John Sebright), he was ashamed that a British House of Commons should, in the year 1825, be discussing the Catholic question. He felt he had said more than he ought; but he had uttered no more than what his feelings, and his duty towards the constitution, compelled him to say. Oaths were of the utmost importance. He had taken an oath to perform his duty; and he never would take an oath which he afterwards intended to alter or violate. He could say, in spirit, with the late beloved monarch, who preceded the present, that "he was ready to descend from the throne—he was ready to descend to the cottage—he was ready to lay his head upon the block—but he was not prepared to violate the oaths he had taken." So he would say; he was not prepared to violate the oath of supremacy which he had taken, before the House and all the country; and which could not be reconciled, in his opinion, with the bill now before the House.

Sir *John Sebright* rose to thank the hon. baronet for having repeated the expressions he had used on a former evening. He would again say, that he was ashamed to see a House of Commons at that time of day discussing this question. He would not add one word to this; because he thought that none of the arguments which had been urged against Catholic emancipation required any answer.

Mr. Secretary *Peel* said, that the general impression amongst members certainly was, that the sense of the House would not be taken on the measure in its present stage. He had himself tended to create that impression, by stating that he would take the sense of the House on the third reading. He was therefore unwillling that any thing should be done in contravention of what appeared to be the general understanding. He had heard with satisfaction that it was not the intention of the gallant general, nor of the hon. member for Somersetshire to divide the House at that stage, because such a proceeding would be unfair towards those honourable members who were absent, under the idea that the bill would pass through the committee as a matter of course. It was hardly necessary for him to state, that he acquiesced in the proposition that the Speaker should leave the chair, only because he should have another opportunity of taking the sense of the House on the question. On the motion for the third reading of the bill, when the measure would be before them in its perfect shape, he would take the opportunity of performing his promise of dividing the House. On that occasion he should have very little to add to what he had before stated on the subject. He should, however, feel it is duty to enter his decided protest against the measure. He was certainly in a minority on the question; but, he could not carry his deference for the opinion of the majority so far as to acquiesce in the measure. He should further state, that his objections to the bill now under consideration, so far from being weakened, were strengthened by the vote to which the House had come on a former night, and by which they were pledged to make a provision for the Roman Catholic clergy. At present he hoped that no member would consider it necessary to take the sense of the House on the question of going into a committee.

Mr. *Butler Clarke* supported the motion. No one, he observed, had ventured to state, that Ireland and England could remain in the same situation that they were at present. The only way for them to continue the system would be by the aid of a military government; but, how long would that remain? Was it on the chance that the spirit of the Catholics would break down? But, until that did take place, no one would venture to invest his capital in the country, nor would any one live there who could live out of it. On the other hand, if the present measure was passed, he would venture to say that they might safely withdraw every soldier from the country. He had invariably supported the measure; because he thought it was the only way to render Ireland serviceable. As he had voted for the putting down of the illegal associations, he had thought it right to say thus much on the present subject.

Colonel *Trench* said, he was of opinion, that the unhappy situation of Ireland had resulted from the system of misgovernment which has long prevailed in that country. That system had, however, been changed. The good seed was sown; but it could not be expected that the crop should be reaped directly. If government for two years longer pursued the course upon which they had entered, it would be impossible for agitators to excite disturbances in Ireland. The hon. member who spoke last had said, that nobody would carry capital to Ireland. Now, capital to a large amount had, he knew, been carried into that country; and more was about to proceed thither. That capital would produce industry; and industry would produce tranquillity. He opposed Catholic emancipation; because, in Ireland, the immense mass of the people was in an ignorant and degraded state, and were entirely under the influence of the priesthood, whom he believed to be directed, in their turn, by political persons and political feelings. The present was the proper moment for the government to make a stand against the Catholic claims. The Catholics would not be content with what parliament would give them: they would never be content until they obtained possession of supreme power. He had no objection to admit the Catholics to the privilege of a silk gown, about which so much had been said; but he would exclude them from the sacred circle of the Protestant constitution. He dreaded foreign influence, by means of the priesthood acting on an ignorant population. He had attentively considered the evidence which had been given before the parliamentary committees, and was compelled to come to a conclusion different from that to which the hon. member for Armagh had brought his mind. He hoped the House would give him credit for entertaining an honest opinion on the subject. He could declare, from his own observations, that the mass of the people of Ireland were perfectly indifferent with regard to the question of emancipation, until within the last year, when they were roused by the exertions of the priests. The gallant general had said, that he was for carrying the main body, and abandoning the wings—alluding to the Catholic Relief bill, and the two measures which were considered appendages to it. Now, he differed from the gallant general; for he felt it necessary to resist the encroachments of the main body; but would use every means in his power to promote the success of the wings. He believed that those two measures would do much to promote the tranquillity of Ireland. If parliament, on the present occasion, were to make a firm stand, and to say, "thus far we will go, and no farther," the question would be set at rest for ever. It would be an insult to the English Catholics to pass the bill before the House: it would, in fact, be an acknowledgment that parliament had yielded to the threats of the Irish Catholics, what they had never been disposed to grant to the loyalty and good conduct of their English brethren.

Mr. *W. J. Bankes* wished that his acquiescence to the proposition for going into the committee should not be misconstrued into a change of opinion. The resistance to the bill should be open and manly. It would perhaps, be modified in the committee; but no modification, no shape in which it could be presented to him, would please him. The third reading was the stage in which to take the sense of the House.

The House having resolved itself into the committee,

The *Speaker* rose, he said, to occupy the attention of the committee but for a very short time. After the recent and very elaborate discussion which this subject had undergone, he much doubted whether any person could say any thing new with regard to it, and he certainly was not prepared to arrogate to himself the capability of doing so. He was perfectly aware, that, according to the strict rules and forms of the House, the present stage of the bill under consideration was neither the most convenient, nor the most regular occasion, for any member to state his opinion with regard to it; but, as his opinion on the question remained entirely unchanged, and as this was the first opportunity, and perhaps it might be the last, on which he should be enabled to address the House on the measure, he trusted he might be permitted to say a few words. Nothing, then, which he had heard or read had relieved his mind from the serious apprehensions with which it was filled, with regard to this great, and, as he thought, most dangerous measure. Having said thus much, he could assure the committee, that he had no amendment to propose, nor did he wish to press a division; particularly after the opinion of the House had been so decidedly expressed on that point. However painful it might be to him to differ from the majority of the House—however painful it might be to his feelings to differ from those whose opinions he ought to respect, and on whose opinions he, in almost every case, placed the greatest reliance; and above all, notwithstanding he felt that the course he was now pursuing was a great evil, and to be justified only by the necessity of the case, still, feeling that a question of this kind admitted of no compromise, so long as he retained his conscientious objections to the measure of emancipation, he should be ashamed of himself if he did not declare them. He hoped the committee would pardon him for having troubled them with these few words. He had, as he before stated, no amendment to propose; nor was he aware that it was intended to propose any, or to come to any division in the committee. He had been anxious not to remain silent with regard to the present bill—the only public measure with which he had interfered, since he had had the honour to fill the Chair.

Mr. *Peel* observed, that in 1821, when a bill similar to that now before the House was under discussion, various propositions were submitted to the House—some for the purpose of restricting the offices to which Catholics should be admitted, and others for continuing their exclusion from parliament, and the governments of the colonies. He rose for the purpose of stating, that it was not his intention to submit any propositions of that kind to the committee on the present occasion, the sense of parliament having been fairly declared on those points.

Sir *H. Parnell* took that opportunity of stating, that the hon. member for Somersetshire, in reading the oath taken by Roman Catholic bishops, had omitted a very important passage, in which they stated, that their relations with the pope could in no way shake their fidelity to the king and royal family.

Mr. *Peel* thought that the oath which the Catholic bishops at present took was highly objectionable. The House ought to have had some assurance, that it would be modified, before they pledged themselves to grant a provision for the Roman Catholic clergy.

Sir *H. Parnell* replied, that what appeared to be the objectionable parts of the oath, had been explained to be harmless by high Catholic authorities.

On the motion of an hon. member, whose name we could not learn, that the form of the Catholic oath should be amended by substituting the words "present Protestant church establishment," for "present church establishment,"

Mr. *Plunkett* objected to the alteration, on the ground that casuists might call it an admission, that there was some other established church, besides the Protestant, existing in England. The right hon. gentleman further observed, that the oath already was any thing rather than such as was called for by the friends of the Catholic bill. It called for a disavowal by the Catholics of doctrines which no man in his senses could suspect them of entertaining. But, the fact was, that in 1821, the Catholic advocates had been taunted by their adversaries for not employing the long and formal oath provided in 1793; and, in order to satisfy as far as possible all scruples, that oath of 1793 was now returned to.

Mr. Secretary *Peel* concurred in the objection of his right hon. and learned friend to the proposed verbal amendment. With respect to the form of the oath, he was perfectly willing to admit, that if an objection had been made to some parts of it, he should have agreed in the propriety of such an objection. That part of it, for instance, which called upon the Roman Catholic to disclaim the doctrine of its being lawful to murder or destroy any person under pretence of his being a heretic or an infidel, he could not but consider most objectionable; because he could not for a moment impute such principles to the Catholics.

Mr. *Brougham* said, that the observation just made by the right hon. Secretary was every way worthy of the candid and manly course which he had pursued throughout the discussion of this question. His opposition had never been a captious or invidious opposition; but it had been uniformly frank, candid, manly, and honourable. As to the verbal amendment which had been proposed, he agreed with his right hon. and learned friend, that the substitution of the word "Protestant" might be misinterpreted. It might be argued by captious and subtle persons, that indirectly, the legislature were admitting an established religion other than the Protestant. The form of the oath was undoubtedly liable to the same objection, as all the forms in which we abjured Catholicism; which were neither more nor less than insults on our Catholic brethren. He should agree, however, to the present form; not because it was not liable to objection upon principle, but because the measure of 1821 was strongly opposed by some persons on the ground of the form of oath, proposed in 1793, not having been again introduced.

The Amendment was withdrawn by the honourable member who had proposed it.

Mr. *B. Cooper* could not understand how a Roman Catholic could sincerely and conscientiously take an oath, which went to the abjuration of some of the main doctrines of his religion. He was quite sure, that if he was a Roman Catholic, he could not take such an oath. In fact, oaths of this description had been expressly declared by the pope, to be invalid and nugatory.

Mr. *V. Fitzgerald* observed, that the very oath which to the mind of the hon. member for Gloucester appeared impossible for the Catholic to take, had been actually the law of the land for a considerable time, and was administered to every Catholic upon various occasions. It was known as Dr. Duigenan's oath. If the bishops abstained from taking it, so long as they were forbidden by the pope, it was a proof of their sincerity; and the fact of their afterwards taking it proved, either that the pope's opinions had been changed, or that the Irish bishops disclaimed any authority, on the part of the see of Rome, to interfere with them in matters of a temporal nature. In either case, their having once abstained from it through principle, and subsequently subscribing to it, afforded strong evidence of their sincerity.

Sir *J. Newport* said, that the oath in question had been framed by Dr. Duigenan, with the most scrupulous attention to the minutest prejudices of the opponents of the Catholics, and with no disposition to relieve the latter from the disagreeable task of disclaiming any imaginable objectionable doctrines. He was astonished that an oath, framed by that learned person, should have been cavilled at by any one else. Upon the point of scruple it was only necessary to say, that the heads of the Catholic church in Ireland approved of, and subscribed to, this form of oath at the present moment. There could be no doubt that it was originally framed with a view to outrage their feelings, by the learned doctor to whom he had referred; but it was also framed in total ignorance of the principles of the Catholic faith. However, the House might rest content with it, seeing that it had satisfied the prejudices of those who had been the most distinguished for their hostility to Catholic emancipation.

Mr. *Goulburn* said, it appeared to him there was no necessity to adhere so closely to the oath of 1793; and particularly when it was rendered needless by the subsequent evidence which had been received.

Mr. *Sumner* suggested the omission from the oath of invidious passages, such as the disclaimer of "a right to murder, &c."

Mr. *Plunkett* gave the hon. member credit for the good faith and generosity with which he made the proposition, but it did not appear to him likely to advance the success of the measure to accede to it. If the objections of this House only were to be encountered, he should have no hesitation; but, he feared the effect which the omission might have in another place. If the bill should come down from the Lords, he would receive the suggestion as a favour on behalf of the Catholics. At present he could not.

Mr. *Brougham* said, that the oath was required to be taken only by those who were called to exercise some public function. If they should not undertake the office, there would be no necessity of taking the oath. Some honourable members objected to the oath as an insufficient security, in consequence of what was supposed to be the absolving power of the pope. But, he begged to ask what other security had they at present but that of an oath? What was there to hinder his learned friend Mr. O'Connell, from taking his seat in that House at the present day but an oath? There were many parts of Ireland—he would not name them, lest he should give alarm to some of the Irish members)—where, if Mr. O'Connell presented himself as a candidate, his election would be certain. There were also some places in England in which, if he presented himself, his return would be secure. What was it that prevented him, but an oath? "Oh, but," said the opponents of this bill, "the pope may absolve him from that oath." "No," replied Mr. O'Connell, "I do not believe that he or any other authority has that power, and therefore I will stay out of parliament because I cannot conscientiously take it." Why, the thing was quite plain, and he did not despair of making it understood even by the hon. member for Bristol. The hon. member, however, and his consort the member for Surrey, who sailed together on this question, fired whole broadsides at every kind of oaths, and yet turned round and said; this was not sufficiently strong as a security. Why in the name of Heaven, or he would say as perhaps something of greater weight with those who were so much alarmed for the security of the Protestant establishment—in the name of Dr. Duigenan, and what security could they have greater than that which they already possessed? What, he would repeat, prevented the Catholic from coming into parliament without the intervention of any bill, but his respect for the sanctity of an oath, and his consequent unwillingness to take one from which he knew he could not be absolved? For his own part, he was not anxious for any oath, because he did not believe any such security necessary; but, he consented to an oath being embodied in the bill, because he knew that he had to conciliate prejudices; and if, by allowing the oath to remain, he could make even one convert in that House or in the other, he would consent to the oaths remaining as they now stood in the bill: but he did not admit they were in themselves necessary to the security of the country. He concurred with what had lately fallen from the right hon. Secretary of State for Foreign Affairs, that no force could be required to enter by the door of the constitution, unless it were closed. Let the door be thrown wide open, and the force would spend itself.

Mr. *Peel* was anxious to know whether the hon. and learned gentleman intended to propose any amendment, in that part of the oath to be taken by Protestants, as far as respected the actual authority of the pope in this country.

Mr. *Brougham* said, that when the clause repecting the commission came to be discussed, he would propose an amendment, but not in the point to which the right hon. gentleman adverted.

Mr. *Peel* without meaning to anticipate the discussion on the clause, said, that when they relieved the Catholic from taking the oath of supremacy, they should also consider the situation in which they might leave the conscientious Protestant with respect to it. By the very fact of exonerating the Catholic from the oath, an admission was made, that the pope had some spiritual supremacy; and yet the Protestant would still be called upon to swear that, "no foreign prince, prelate, state, or potentate, hath or ought to have any power, pre-eminence or authority, ecclesiastical or temporal, in these realms." Now, how, after an admission of the spiritual authority to the Roman Catholics, could a Protestant be called upon to swear that it did not exist?

Mr. *Plunkett* did not think the Protestants would be in a worse situation after the passing of this bill than they were before it, with respect to the oath of supremacy. Why, his right hon. friend knew—every body knew—that the pope did at the present moment exercise a spiritual authority in this country. But, those who took the oath denying any such authority, did so with great safety, because they meant, and the oath meant no more, that no such authority or control existed over the person taking it. If the oath was intended to convey, that no such authority existed any where in this country, then all those who swore that, must swear to what was false. If, however, his right hon. friend wished to have a bill to relieve the tender consciences, of any individuals with respect to the oath, he should have no objection whatever to such a course.

Mr. *Peel* did not consider the explanation of his right hon. and learned friend satisfactory. It was true in one sense, the situation of the Protestant would not be worse than at present if this bill should pass; but, in another it would, because by this bill, the spiritual authority of the pope would, to a certain extent, be legalized; which it was not at the present moment. We were now about to grant salaries to Roman Catholic archbishops and bishops, which would be recognizing the Catholic church as legally established, which it was not at present.

Mr. *Brougham* observed, that after the able statement of his right hon. and learned friend, he should despair of convincing the right hon. gentleman opposite; but still he could not avoid saying a few words. If the oath of supremacy was to be understood in the sense in which the right hon. gentleman took it, no man could swear it without swearing falsely, because no man could deny, that the pope had a spiritual authority, recognized in this country by a large portion of our fellow-subjects. He had taken the oath, and he had done it safely. He had sworn not that the pope had not some authority over many of his fellow subjects, but that he had not any over him, or those who thought with him. The right hon. gentleman said, that we had not hitherto recognized the Roman Catholic establishment; but, was it recollected that the government paid for the education of Roman Catholic priests, who were commissioned by the pope? That was a recognition of the Catholic church as great as the one now proposed; and yet he had not heard of any man who had vomited forth the oath of supremacy in consequence.

Mr. *Peel* did not admit that the Catholic bishops were recognized in their prelatical capacity. They were called most reverend, and right reverend; but their titles as archbishops and bishops was not admitted.

Sir *J. Newport* asked, why were the titles "most reverend" and "right reverend" given to the Catholic archbishops and bishops, if not to distinguish their rank from that of the other orders of Catholic priesthood? The time was, when Catholic priests were hunted down wherever they were found in this country. That time was now gone by for ever. Was it intended to re-enact those penal laws, and reduce the Catholic priest to his former state? If not, why deny the Catholic hierarchy that rank to which they were by ordination entitled? When his present majesty was advised by his ministers to receive the Catholic bishops, and did receive them, at his levee in Ireland, he fully recognized them as such. It was not quite decent in a minister of the Crown now to deny that which his sovereign had publicly acknowledged.

Mr. *Peel* said, he was not recurring to the subjects which the hon. member had introduced, nor had he any wish to proscribe the Catholic clergy. All he contended for was, that they were now about to make an alteration inconsistent with the existing law; and that some other law would be required to reconcile the oath of supremacy to the conscientious feelings of many individuals.

Mr. *L. Foster* said, that when he took the oath of supremacy, he had done so with the understanding that the pope had not any legal authority in these countries; but the case would be different if this bill were passed.

Lord *J. Russell* said, the time was, when the exercise of the Catholic religion in this country subjected the party to persecution; but, when once that religion was tolerated, the spiritual authority of the pope was recognized to a certain extent; for the recognition of that authority formed part of the religious tenets of the Roman Catholic.

Mr. *Plunkett* said, that as the right hon. Secretary was not satisfied with the instance of the college of Maynooth, he would furnish him with another precedent, which in his mind was conclusive. He alluded to that act of the Irish parliament, which relieved the Roman Catholics from the penalties of recusancy, on the condition that they should attend Catholic places of worship. Was not that a legal recognition of the spiritual influence of the pope within the realm?

The clause was agreed to. On the clause that provided against the eligibility of any Roman Catholic to the offices of lord lieutenant, deputy governor, lord high chancellor, either in Great Britain or Ireland, being read, Mr. Robertson moved, as an amendment, that Roman Catholics should be ineligible to represent any county, city, university, or borough, in England or Scotland. The amendment was negatived.—The chairman then put the clause containing the regulations deemed necessary, touching the appointment of bishops and deans of the Roman Catholic church in Ireland, and the commission which is to issue to Roman Catholic bishops.

Mr. *Brougham* said, that he had an amendment to propose upon this clause. After reading the following words of the clause, "And whereas it is expedient that such precautions should be taken, in respect of persons in holy orders professing the Roman Catholic religion, who may at any time hereafter be elected, nominated, or appointed to the exercise or discharge of episcopal duties or functions in the Roman Catholic church in Ireland or to the duties or functions of a dean in the said church, as that no such person shall at any time hereafter assume the exercise or discharge of any such duties or functions within the United Kingdom, or any part thereof, whose loyalty and peaceable conduct shall not have been previously ascertained, as hereinafter provided"—he said he wished to add to them these words—"And whereas, it is fit and requisite to regulate the intercourse between the subjects of this realm and the see of Rome, be it therefore enacted, that it shall and may be lawful for his majesty, his heirs and successors, by two several commissions, to be issued under the great seal, to nominate and appoint such persons in holy orders, professing the Roman Catholic religion, and exercising episcopal duties or functions in Ireland, as his majesty, his heirs and successors, shall think fit to be commissioners under the act for the two purposes before-mentioned, and that the person first named in the said commissions should be the president thereof."—The hon. and learned gentleman said, that as he had before stated the grounds on which he recommended the securities, he should not now repeat them. The objection to this measure was, that by agreeing to it the House would legalize the spiritual authority of the pope. He asserted that the House would do no such thing: it would merely regulate the existence of that which had existed for many years, in spite of its enactments. That the pope had spiritual authority in this country could not be contradicted. For instance, if the pope were to ordain him a priest, and the king were to appoint him to the bishoprick of Durham—one of the most lucrative appointments, by the by, in his gift, and the best trade of all now going—he would be entitled to become a bishop per saltum, and would not require ordination from any person qualified to confer it in the English church, As a proof that he was not indulging in idle assertion, he would remind the House of a case of recent occurrence in Ireland. Dr. O'Beirne, the late Protestant bishop of Meath, was originally ordained a priest by the pope of Rome. He was then a Catholic; but afterwards becoming a Protestant, he was made a bishop without any further ordination. He would offer no further argument in addition to those which he had already advanced on the subject of securities. He saw no danger and therefore could not admit the necessity of securities. He was, however, willing to grant them, in order to obtain the support of those who were not willing to accede to the bill without securities. The learned gentleman then placed his amendment in the hands of the chairman.

Mr. Secretary *Peel* said, that as the authority of bishop Horsley had been referred to in the course of the debate, he could wish hon. gentlemen would refer to the reverend bishop's speech for the arguments contained in it. The reverend prelate drew a distinction between the different authorities exercised by the pope of Rome, which well deserved the attention of the House. He admitted the pope was bishop of Rome, and that he had liberty to confer degrees within his own jurisdiction; but, he denied that the pope had any liberty to do so in this country; and upon that principle refused to remove the disabilities under which the Roman Catholics laboured. He would only say a few words on the provisions which this clause introduced into the bill. He declared, with the utmost candour, that it would be a great satisfaction to his mind, if the hon. and learned gentleman would leave these provisions entirely out of the bill. He made that declaration, not with any sinister intention of thereby defeating the bill, but from a full conviction, that such provisions were worse than nugatory. No objection which he felt to the removal of the Catholic disabilities would be removed by the existence of such securities. They were very different from those which had formerly been proposed by his right hon friend, the Secretary of State for Foreign Affairs; and such as they were, they were disclaimed by the hon. and learned gentleman opposite, who said that they did not come from him, but were framed out of pure deference to the scruples of those gentlemen with whom he (Mr. Peel) had the honour of acting. It was remarked by the fabulist, that

> "The child, whom many fathers share,
> But seldom boasts a father's care;"

and the remark seemed verified in the present instance. This clause appeared to have no legitimate father. The hon. and learned member disclaimed the securities it contained; and he was ready to follow his example. They were not required, the hon. and learned gentleman said, by the Catholics; and he would add, that they were not at all wanted by the Protestants. If any gentleman would get up and say, that these securities would be effectual securities to the Protestant church in Ireland, he would wave the objection which he felt to them; but, if no person should support them, he hoped the hon. and learned gentleman would consider whether the bill would not be better calculated to conciliate the people of Ireland without these securities, than with them. He objected to them on this ground—that they imposed on the Crown an obligation to appoint two permanent commissions, composed exclusively of ecclesiastics. Besides, they provided that if the bull, dispensation, or other document received from Rome, were of an innocent nature, it should be sent to the parties to whom it was directed, but did not provide for what was to be done with it, in case it should appear to be of a dangerous description. There was likewise no penalty attached to any bishop who should exercise episcopal functions, without having received such a certificate as was mentioned in the present clause. Add to this, that no commissioner would like to impeach of disloyalty a man who had not been convicted of some disloyal act. There was nothing more vague than the ideas attached to the words loyal and disloyal; and he should therefore wish to know what construction the hon. and learned gentleman intended to put upon them.

Mr. *Plunkett* said, that he should have no objection to throw these securities overboard, if by so doing he could ensure the company of his right hon. friend to the conclusion of his voyage; but, as he could not flatter himself with a hope of such a consummation, and as he knew that the abandonment of these securities would deprive him of the support of several of the crew with whom he was then embarked, he felt bound to keep them at all hazards. For his own part, he thought these securities to be effectual securities, and to be essential to the success of the bill. Still, if he deemed them as useless as he believed them to be serviceable, he would abide by them, for two reasons; first, because they tended to make the bill more likely to succeed; and secondly, because they tended to conciliate towards it the Protestant feeling of the country. In spite of the taunts of his right hon. friend, that these securities had not the good fortune to possess a father, he would avow that he was the person on whom this bantling had a claim for support. When he recollected that all former securities had been similar in nature to the present, and especially those which considered oaths and commissions as admissible, he could have no reason to disown his connexion with it. Indeed, he saw a strong necessity for granting these securities in the fact, that they recognized, for the first time, the admissibility of Catholics to the privileges of the constitution. It was also known, that Catholics lived under the spiritual control of their priests; were influenced by it to a certain degree in their political conduct; and were, by means of their priests, in constant connexion with the court of Rome. He held it to be no inconsiderable security, that when the people were so much under the influence of their priesthood, that priesthood should be brought into connexion with the state, and should give to it full assurance of its peaceful and loyal behaviour. As to the objection, that loyalty was a vague term which meant every thing and nothing, he would merely reply, that it was an objection which might have had some weight supposing they had been framing an act of parliament to punish a want of loyalty. In that case it might have been necessary to define clearly the meaning of loyalty, in order to ascertain the extent of crime which was concealed under a want of it; but in the present case, no such niceness of language was required: it was only necessary that the commissioners should certify whether the candidate for preferment was what in common parlance was called a loyal or a disloyal man. He admitted that the securities of the present bill were not the same with those of the bill which he had introduced in 1821. By the bill of 1821, the commission was to consist of certain prelates, certain laymen, and certain ministers of the Crown By the present bill, no layman, nor minister of the Crown, would be admitted into it; but it would consist exclusively of Roman Catholic prelates. He considered the security of the present bill to be equally good with the securities of the bill of 1821. He should not have suggested any change in those securities, if it had not been for this reason. He thought it his duty to furnish the committee with such measures as would be thankfully received by the Catholic population; and he was informed, on good authority, that to a commission of this nature no part of it would object. It was no slight recommendation of this bill to say, that it was a measure which, in the critical state of Ireland, was calculated to give immediate and universal satisfaction in that country. He did not propose this species of security to guard against the supposition that the Roman Catholics were bad subjects. The Roman Catholics were like other subjects; if they committed crimes against the state, they were liable to punishment by the ordinary laws of the country. The dangers against which the House had to guard were those which arose from the Catholics being contradistinguished, in several respects, from the other subjects of the realm. He took it for granted that the Roman Catholic prelates were good subjects—were honest men—were persons whose oaths could be relied on; and, if that were admitted, he would ask, whether it was not a great security that the Crown should be allowed to select four individuals from their body, from time to time, by whose certificate it could be assured that every person enrolled into their number was a loyal subject, and not only that he was a loyal subject, but that this nomination had been domestic and had not proceeded from the pope, or from any foreign power? Domestic nomination had been considered, from the commencement of these discussions, as a security equal to a direct veto on the part of the Crown. The people of Ireland were ready to grant domestic nomination without a murmur; whereas, the veto could not have been given to the Crown without great difficulty, and perhaps not without entering into an express concordat with the pope. In conclusion, the right hon. and learned gentleman said, that even if the question of Catholic emancipation could not be carried, he should consider an arrangement of this nature highly essential to the security of the empire, and to the tranquillity of Ireland.

Mr. *Bankes* thought the proposed securities were quite inadequate. They were, as compared with the ones offered in 1821, merely the form contrasted with the substance.

The original clause was then agreed to. Upon the clause respecting the oath to be taken by the ecclesiastical commission,

Mr. *Peel* complained, that it had no reference to the English Catholic ecclesiastics, who were really more dependent on the pope than the Irish.

Mr. *Plunkett* was really at a loss to see what danger could be apprehended from the Catholic hierarchy in England.

Mr. *Brougham* concurred in this view of the absence of all danger from such a body.

Upon the clause for regulating the reception of bulls from the church of Rome,

Sir *F. Ommanney* complained that the homage paid to these bulls, ought not to be encouraged; it was contrary to the second commandment, which prohibited idolatry [A laugh].

Mr. *Brougham* assured the hon. gentleman that he might retire to, or rather continue his night's rest, without any fears upon that head; for these bulls were not the animals with horns, that were sometimes calculated to scare a man, but quiet and inoffensive bulls upon paper, which were merely received by the Catholics with some pious token of respect.

The clauses of the bill being agreed to,

Lord *Ennismore* hoped that this bill would not be pressed to a third reading, until the clergy provision bill was passed; as several members had agreed to the former, on the condition of its being accompanied by the latter.

Sir *John Newport* said, that though the bill had not yet been brought in, a resolution had been agreed to which ought to be quite sufficient for the noble lord and his friends. The clergy provision bill was to be viewed as an adjunct to the present bill; and it was fitting that the principal measure should be disposed of, before going into the details of the other.

Mr. *Brougham* said, he would willingly have made a reasonable sacrifice to conciliate the noble lord; but, he entreated the noble lord to consider how completely the condition he proposed would go to nullify some of the most gracious labours in which the House had ever been engaged. It went to make the passing of this bill depend upon the passing of another bill, which was not yet in existence—which was not even in contemplation at the time this measure was chalked out with the concurrence of a majority of the House. Let the noble lord only consider what it was to make a bill, which had gone through the committee, depend upon the multiplied forms of passing another bill, which might be checked and thrown out in any one of its stages. Surely there was sufficient security for these measures of a provision for the clergy, in the majority which had voted for the resolutions of the noble lord, and the clause in the bill of the hon. member for Stafford, which made the passing of that bill to depend upon the fate of the bill now before the committee.

Mr. *Sumner* said, that they had heard nothing from his majesty's ministers as to what was likely to be the reception of the measure which was to follow upon the resolution of lord F. L. Gower. He thought it was trifling with the House to keep it in ignorance upon that point.

Mr. *Brougham* said, that every man of them agreed that the measure for a provision for the Catholic Clergy would be quite out of the question, unless they first gave emancipation. The priests had over and over again informed them, that to accept a provision for the clergy, without emancipation, would be to betray their duty to their flocks. The resolution only pledged the House to make that provision contingently upon passing this bill.

Lord *Ennismore* consented to withdraw his proposition.

The House resumed. The report was then ordered to be received, pro forma, and taken into further consideration on Monday.

HOUSE OF LORDS.

Monday, May 9.

GAME LAWS AMENDMENT BILL.] Lord *Dacre*, in moving the second reading of this bill, said that its expediency was so apparent from an inspection of the present game laws, as well as the notoriety of facts, that it would be a waste of their lordships' time to go into any minute inquiry upon the subject. The evil consequences of the present law were fully evinced in its effects upon the habits and morals of the agricultural population; indeed, it was impossible that any question could come before the House which more deeply involved the happiness, nay, the very existence of that class of people. Game was originally the property of the proprietor of the land; and if, in subsequent ages, the legislature took it from him, it now behoved their lordships to restore it to its former owner. The noble lord then quoted several decisions of lord Coke, lord Kenyon, and other authorities, to prove that game was formerly considered the property of the owner of the soil: and observed upon the various legislative enactments by which the law on this subject was changed. These enactments excluded all small proprietors and owners of personal property from the enjoyment of game. This exclusion worked a double injustice towards the small landed proprietor; for, whilst it shut him out from the enjoyment of game, it authorised the large proprietor, who was his neighbour, to accumulate such a number of hares and other animals, as to threaten his crops with destruction. If the present bill passed, it would be followed by such mutual arrangements between the large and small proprietors, as would have the effect of completely checking the depredations of poachers, which the present system was calculated to encourage. Where there were forty millions of personal property in the kingdom, how could their lordships say that not one of the owners of this was to be allowed to possess property in a single hare? The noble lord animadverted upon the pernicious effects of the present laws upon the morals of the agricultural population, observing, that a large majority of the trials with which the sessions were now occupied for several days, instead of a few hours, as formerly, were for crimes emanating from the game laws. It was by them that the system of poaching was created, and to that was to be attributed the great increase of crime in the country. The only remedy for the evil would be an enactment making game the property of the owner of the land; and allowing the sale of game subject to certain regulations; which regulations would be matter for consideration in the committee. In cases of leases for lives, he would recommend the game to be made the property of the lessee. But this and various minor details would be more fitly discussed in the committee. Something must be done to remove the evils of the present system, and he considered the present measure, with some slight amendments which might be made in it, the best that could be adopted for that purpose. It was one which, he repeated, was of vital importance to the habits, the morals, the happiness, and the very existence of the agricultural population.

The Earl of *Westmorland* opposed the motion. When a measure like this, affecting the rights and privileges of so many of the king's subjects was proposed, it required, he said, very serious consideration. The preservation of game, in a country so highly cultivated as ours was, was an object of high importance. If the noble lord proceeded with the measure, he would find himself involved in much contradiction and absurdity. It was introduced under the pretext of supporting popular rights: but whoever examined the bill, would find it to be the most despotic act that ever was framed; and that, in fact, its principles were the same as those from which the horrors of the French Revolution were partly drawn. Its tendency was to benefit men of extensive landed property, and to deprive all other classes of every species of rural amusement. It went to declare game, feræ naturæ, to be private property. It took from the lord of the manor the rights he now possessed; and gave him such as he ought not to possess. What privileges it granted to the small proprietor were quite useless, because he could not pursue game beyond the limits of his own property. It was true, he might set snares on his land; but no more. Their lordships should consider, in the next place, how it interfered with rural amusements, such as hunting, shooting, or hawking. The game might be pursued from a man's own lands into those of another; but then, if the person pursuing it could not prove it to be the very same he had started, he might be seized, and taken before a magistrate. The measure would have the effect of turning every large proprietor of game into a poulterer, and every sportsman into a robber. He was not disposed to deny the great evil arising from poaching; and should be as ready as any man to concur in such measures as might be likely to lessen the mischief. The present, however, was not, as it appeared to him, a measure of that description. It could never have the effect of impressing on the minds of the people that animals feræ naturæ, were private property, or that the same moral guilt attached to the stealing of game as to that of any other article. Hitherto he had always thought that the game laws were considered as tending, in a great degree, to preserve the peace of the country, by taking it out of the power of all classes of the people to possess arms. They made it impossible for a general arming to take place, if a disposition prevailed to disturb the peace of the country. By this bill every man might possess arms. He admitted that the bill of rights allowed this privilege to all his majesty's subjects; but then it was a privilege of which they had no inducement to avail themselves very generally. That would not be the case, if the present bill should pass into a law. For these reasons, he would move, as an amendment, that it be read a second time that day six months. He did so, not that he approved of the present system, but that he thought the proposed one would be most tyrannical and unjust.

The Earl of *Malmesbury* objected to the expressions, "unjust, impolitic, and unprincipled," as too severe, when applied to an existing law which had been so long in operation. He never remembered the alteration now proposed, to have been taken up by the great statesmen in the course of his parliamentary experience. He should oppose the motion, though on a different ground from that of the noble earl who spoke last. He considered that the game laws, as they now stood, formed a strong inducement to the landed proprietors to reside, for a considerable part of the year, on their estates. This he looked upon as so great and important an advantage, that he should be very unwilling to incur the risk of losing it for a contingent good.

The Earl of *Darnley* supported the bill. The system of poaching was, he said, carried to so great an extent, that some measure was necessary to correct it; and though, perhaps, the bill before the House was not the most perfect, yet it was calculated to do away with a large portion of the evils of the present system. As to the observation, that the present laws were calculated to act as an inducement to country gentlemen to reside on their estates, he must say that they would have the same inducement under the proposed law; for the fact of game being made property could not hinder gentlemen from preserving it less than they did before. He should, therefore, give his cordial support to the bill.

Lord *Calthorpe* expressed himself favourable to the principle of the bill. If it had no other effect than that of legalizing the sale of game, it would be productive of the most important benefits to the country; for he believed that the greatest and most fruitful source of the evils flowing from the existing laws was to be found in the prohibition of the sale of game. On these grounds he would support the bill; and he conceived it would be a peculiarly invidious act to reject it. Notwithstanding that it had been said, that any measure like this passed in the other House would be thrown out in this, he was satisfied that their lordships would consider that they were not sitting there as land-holders merely, but that other considerations and other duties ought to influence them in deciding upon this most important question.

Lord *Suffield* contended, that the present system of the game laws was prolific of crime. He denied that the bill under consideration tended to the establishment of a new description of property. The game was at present the property of the owner of the soil. No statute had ever declared to the contrary. It had always been held so; and all that had been done was, to enact regulations respecting it. He was astonished to hear some noble lords require further evidence with respect to the nefarious traffic that was carried on under the present law. Was not the thing manifest? Was it not notorious, that in that traffic multitudes were embarked, induced by the temptation which the bill before their lordships, if it did not entirely remove, would very considerably diminish? With respect to the injury that was apprehended to the field sports of the higher orders, in consequence of this bill, he believed the fear to be visionary. Of this he was quite sure, that they would retain their fair share of amusement, and that society at large would be much less demoralized. What had been the case with respect to venison? Why, that since it had been made saleable the practice of stealing it had been discontinued. There were three principles with reference to the subject of game which, in his opinion, it was due to the country to establish; first, that a man had a right to kill what was on his own property; secondly, that he had a right to allow others to kill what was on his own property; and thirdly, that the possessor of personal property had a right to employ that property in the purchase of game. It had been said, that, in the event of passing the bill; many landlords would experience great loss. The compensation would be easy. Should their tenants be permitted to kill game, they must of course pay more for their land, as it would be more valuable. Being persuaded that the measure was pregnant with advantages to the country, he trusted their lordships would agree to the second reading of the bill.

The House divided on the Amendment:—Contents 38; Not-contents 23; Majority 15. The bill was consequently lost.

HOUSE OF COMMONS.

Monday, May 9.

Elective Franchise in Ireland bill.] Mr. Littleton moved the order of the day for going into a committee on this bill. On the question being proposed, "That the Speaker do now leave the Chair,"

Mr. *Grattan* rose to enter his solemn protest against entertaining the measure. He contended that it was impossible for the House to agree to a bill of such importance without thoroughly understanding it. The Irish members were divided in opinion upon it. The English members could not possibly be better acquainted with it; and therefore he held it to be unfair for them to come to a decision upon a measure on the bearings and consequences of which those who had the best means of information had not yet agreed. The Catholic question might have been long since carried if a bill similar to that before the House had not been proposed as a companion to it; and he believed, in his heart, that the revered individual whose name he bore would have opposed emancipation upon such a condition as that of disfranchising the people. If the Catholics were unworthy of the elective franchise they were unworthy of emancipation. He had no wish to treat the solemnity of oaths with levity, but he believed most firmly that the poor had as much respect for their obligations as the rich, and that the 10*l.* freeholders would be more likely to perjure than the 40*s.* freeholders, because if the latter were disqualified, the value of the vote of the former would be increased, and the inclination to tempt him would be increased in a tenfold proportion. The people of Ireland valued the rights which this measure went to destroy; and if they did not value those rights they would be unworthy of emancipation. The measure was, in his opinion, detestable in principle; and he implored the House not to embark in a system of legislation, which might prove fatal to the best interests of the empire.

Mr. *V. Fitzgerald* supported the motion for going into a committee, as he was satisfied the proposed measure would cause an important improvement in the state of Ireland. He contended that this bill, so far from endangering existing franchises, would confirm them, inasmuch as no more franchises could in future be created. He wished to make this a measure of general reform of the system of voting in Ireland. He objected to the bill, therefore, for containing an exception in favour of the fee-simple 40*s.* freeholders. It was, he understood, in the contemplation of his hon. friend the member for Louth, to propose, as an amendment, the subjecting of all 40*s.* freeholders to the operation of this bill. This should have his hearty support. The measure, in its present form, would be wholly imperfect; as the same amount of perjury and the same manufacturing of freeholds, would be carried on under colour of fee-simple franchise, which now prevailed with leasehold freeholders.

Mr. *Littleton* observed, that it was inconvenient to enter into a discussion of particular clauses at present; as that would be more properly the business of the committee. As to the proposed extension of disfranchisement to holders in fee, he should oppose it with all his might, and he expected every gentleman of England would join him in that opposition. He wished to disfranchise 40*s.* freeholders, merely because they exercised the elective franchise by a fraud on the constitution, against the spirit of the law. He hoped, therefore, that the hon. member for Louth would be induced from the sense which the House shewed on the question, to abandon the idea of extending the disfranchisement beyond the 40*s.* freeholders. As to the period, when the bill should commence its operation, he was himself of opinion, that the right of suffrage should cease at the expiration of the term of registration. Other gentlemen were inclined to fix it at the expiration of the lease; but that was a question which might be arranged in the committee.

Mr. *L. Foster* said, he had voted for the second reading of the bill, from a hope that in the committee it might be so framed, as to become a remedy for some of the evils which afflicted Ireland. He, however, could not avoid expressing his apprehension, that it would generate evils which it professed to suppress, and, that it would afford temptations to the commission of perjury by the peasantry, when changing the old tenures into the new. All he was anxious for was, the repeal of the act brought in by the member for the Queen's county. But, in reference to the holders of land in fee, it was worthy of being remembered, that the very measure which reduced the number of fraudulent 40*s.* lease-holders, gave an additional importance to the fraudulent hoders in fee, who would be left untouched. The present bill would not suppress the fraudulent connexion existing between the dependant cotter and his commanding landlord; for, the moment it was passed, the landlords would give the cots as free gifts to the peasantry, while they would let the lands to them only from year to year: so that the cotter being dependant on his landlord for the possession of the land from which he derived his subsistence, would be as much his slave, and the passive tool of his political jobs, as if this bill had never passed. What guard did the bill give against that evil? None. The words that limited the disfranchisement to 40*s.* freeholders ought to be struck out, and the bill be made to operate against fraudulent holders in fee, as well as against fraudulent leaseholders. The proposed disfranchisement of holders in fee in Ireland was opposed, as affording a precedent for the disfranchisement of the same class of English voters; but, the disfranchisement of the 40*s.* freeholders was a strong precedent; for, if the Irish 40*s.* freeholders were transplanted to England, they would possess their elective rights as clearly as the holders in fee. His reasoning in that House was said to differ from his evidence before the lords' committee; but that he denied. He was examined mainly as to facts, but was not asked what plan he would devise to remedy the evils which he described. Their lordships did not go deeply enough into the question with him. However, he would vote for committing the bill; from a hope that it would be so shaped in the committee, as to do more good for Ireland than he expected from it.

Sir *John Newport* rose for the purpose of deprecating discussion on this question at present; as all the grounds must be gone over again in the committee, in which alone a satisfactory result could be come to.

Sir *John Wrottesley* contended, from the principles of human nature, which evinced a desire to obtain political power, that the Irish Catholics must be dissatisfied with the present measure. He thought Catholic emancipation necessary to the solid union of the kingdoms; but must object to the disfranchisement of 200,000 freeholders, as a great measure of parliamentary reform proposed on the slightest evidence.

Mr. *Dawson* objected to going into a committee too precipitately. He said, that the hon. member for Staffordshire could blame nobody but himself for this delay, as he had himself deprecated any discussion on the second reading of the bill, by announcing his intention of offering a clause altering the whole nature of the bill. He had therefore passed the bill through a stage, when it was usual to discuss the principle, and having now changed the principle by the introduction of new matter, he could not be surprised that those, among whom he was one, should object to any proposition which tended to check discussion upon this most important measure. He considered the question as scarcely less important than the Catholic question, but it came in under inauspicious circumstances, chained to a great question, Catholic emancipation, with which it had no natural connexion, and doomed to suffer all the penalties of this unnatural union. The object of his hon. friend in bringing it forward, was to serve the Catholic question; it was the same with the payment of the Catholic clergy; all three questions, separate and distinct in themselves, and all worthy of the serious consideration of parliament, were blended into one great whole, and were to stand or fall together. He, and many others, were involved in a dilemma by this mode of proceeding. He must either vote for the bill as it stood, and thereby give an indirect support to the Catholic question, which he had always opposed, or he must oppose the Elective Franchise bill, and thereby lose the great advantages which the bill was calculated to confer upon Ireland. Under such conflicting circumstances, he could not bring himself to impose Catholic supremacy upon the people of Ireland, even though he was advancing one step towards the overthrow of that frightful system of perjury and demoralization, arising out of the election laws. He repeated that he would have no objection to support the measures separate from, but not conjointly with, Catholic emancipation; for he thought the evils arising from the latter would by no means be compensated by the good resulting from the reformation of the elective franchise. A great deal has been said of the injustice of this measure, and of its unpopularity in Ireland. But how does the question stand? There are two parties interested, the landlords and the tenantry; the landlords of Ireland were almost to a man in favour of reform in the Elective Franchise; they were obliged, by the baneful practice of the country, to follow the system of subdividing their lands, and of creating thereby a political interest; they were obliged by the inveteracy of the custom to follow the old and noxious plan of making a pauper tenantry, at the expense of their lands, their property, and even their character, in order to maintain their relative superiority in political power over the small jobbers of the country, who converted the few acres which they might possess into a manufactory of freeholders, by which they were to secure their advancement in life; no landlord, however pure his views, could sacrifice himself without a hope of good arising from his devotion. He was warranted in saying, that the landlords of Ireland saw the evil, and wished to correct it; but until the legislature laid the foundation for this reform, by defining clearly the amount which ought, in the altered state of things, to constitute the freehold right of voting in Ireland, it would be chimerical to suppose that the landed proprietary would abandon the first influence arising from the possession of land, though managed in its present injurious manner, in order to leave the power of returning their representatives to parliament, to men generally known as middle men, who would willingly sacrifice every object of public good for the temporary advantage arising to themselves from selling their political influence, or rather, their perjured freeholders, to the best bidder.—But it was asked, would the tenantry consent to part with this valuable franchise? Valuable! it was of no value to them; they do not consider it of value; they look upon it rather as an incumbrance; it is in fact but a trust, exercised by them at the dictation of their landlords, and often to their own peril. He was convinced that they oftentimes considered themselves as much degraded by the ceremony of being pompously led up to the poll, as their landlords were annoyed at the responsibility imposed upon them. But if the tenantry considered this franchise so valuable, why were there no petitions against the present bill? Time enough had been given to have this measure discussed and re-discussed in every county in Ireland; public meetings might have been called, parishes might have been summoned to meet, and, if there had been any public feeling upon the subject, it might have been represented in petitions to this House from the remotest corner in Ireland. But, where were they? Not one, nay, not a single solitary petition had been presented to the House. He had himself some doubts whether the measure might not be disagreeable to the constituent body in Ireland, and he had endeavoured to ascertain the feelings of the tenantry in the North, where it was allowed there was more political independence than elsewhere; he had endeavoured to make many with whom he was connected sensible of the loss which was about to be inflicted upon them; he had recommended the propriety of petitioning, but he found no sensitiveness upon the subject; he had even gone so far, knowing the total absence of public opinion upon any great question in Ireland, as to appeal to their fears and their prejudices; he had even caused it to be hinted to them, that their quiet acquiescence in the disfranchisement would confer power upon the Catholics; but in vain he applied this touchstone; even in the Orange North, he could not discover any sensibility upon the subject, and he was convinced that the people of Ireland would view a reformation in the elective franchise with the greatest apathy, if left to their own unbiassed judgments; nor will there be any adverse expression of the public opinion upon the subject, unless it shall suit the purpose of some of the political agitators of the day to make this a subject of declamation, and to instil their own perverted notions upon the subject into the minds of the peasantry, who would, if left to themselves, view the change with the most perfect indifference. Such, he was convinced, is the feeling of the public mind in Ireland; but if events, particularly with respect to the Catholic question, happen adverse to the wishes of the supporters of that measure, he had no doubt, that in the approaching recess every endeavour would be used to inflame the Catholic freeholders against what would be termed this new invasion of their natural rights.—With respect to the present bill, he did not think that its provisions were calculated to meet the evil in the proper manner; he objected most strongly to the change which his hon. friend, the member for Staffordshire, proposed to introduce into the bill, by allowing the present holders of freehold leases to vote during their natural lives. He most earnestly requested him to adhere to his original proposition of abolishing all 40*s*. freeholders at the end of the present registration of their votes; for his own part, he would be pleased if the right of voting was raised from forty shillings to twenty pounds a year; and though he did not expect to be supported in such a proposition, yet he felt himself bound to express his opinion candidly, and he felt convinced, that a freehold of 20*l.* per annum was a better qualification, and more consistent with the purity of election, than the present qualification, because it was a surer safeguard against fraud and perjury; but his principal reason for proposing a qualification of 20*l.* was, a sanguine expectation, that it would be the means of raising up and supporting a yeomanry in Ireland, a body of men at present unknown, and the want of which was one of the greatest disadvantages under which the country laboured. If such a body were once formed, why might we not anticipate the same benefits to Ireland as had been conferred upon England by their independence, intelligence, and industry? If honourable members thought the qualification too high, and likely to lessen the Catholic interest in Ireland, in the event of the bill for the relief of the Catholics being passed, he would not press it; he was open to conviction upon that point; in proposing the amount of 20*l.* he had no design to lessen the power of the Catholics. As he said before, his support of this measure should be unconnected with the Catholic question; and if he thought that the passing of this measure would in any degree defeat the object of the Catholic bill, he would not upon any account have recourse to such a subterfuge. He opposed the admission of the Catholics into parliament upon principle, because he thought the spirit and effect of the laws was, to exclude them; but if the laws were altered, and the principle abandoned, he, for one, would not vote for any indirect means of excluding them. When once the law declared their eligibility, he would be among the first to receive them without suspicion. Under such circumstances, he hoped his honourable friend, the member for Staffordshire, would attend to the suggestions of those persons more particularly connected by family and property with Ireland, and whose sole object must be, to render the bill palatable to the people of Ireland, and a safe experiment in the eyes of all well-informed people on the state of that country; he begged him, therefore, to adhere to his original bill, of allowing the franchise to expire at the end of the registration of the vote, and not with the life of the holder of the lease. He would support also the modification of the right, of voting in right of a fee, of 40*s*; he would wish to raise the standard of that right arising either from a fee or from leases in perpetuity, to a higher rate, reserving to the present holders their right, but guarding against the abuses of creating fictitious tenures in fee; under such limitations, the measure should have his support.

Lord *Ebrington* said, that though he was warmly attached to the cause of parliamentary reform, he would vote for the present bill; because it would confer a valuable boon on the people of Ireland, and would conciliate to the cause of emancipation many persons who would otherwise remain hostile to it.

Lord *Corry* said, he was convinced of the inexpediency of granting Catholic emancipation, but felt that the evil of such a measure would be much mitigated by the passing of the present act.

Mr. *Carus Wilson* condemned this measure, because it took from the lowest classes of the community a privilege of inestimable value. In allusion to what had fallen from an hon. and learned gentleman the other night, about the practice of a certain powerful individual in a northern county, he could only say, that he understood it to have been that person's practice, long before an election for the county in question was supposed to be a probable matter of contest, to let his property from year to year. And he (Mr. W.), who had property in the same county, had adopted the same plan. It was due to the individual thus alluded to to state, that he had never heard of a single instance of even the poorest peasant on that person's estates having been in any way molested or disturbed, on account of the vote he might have chosen to give on the occasion in question. Under all the circumstances, he did think that the present measure for disfranchising so many freeholders was founded only on a certain contingency, which it was not clear had happened. Considered as a measure good in itself or otherwise, he should be extremely reluctant to support it. If the hon. mover could satisfy him that it would improve the independence of those whose state of dependence it considered as an evil, he would vote for it; but if not, he must decline to do so.

Mr. *Hume* observed, that he rose to take a course on this question different from that adopted by every other member. [a laugh]. He meant to say, that nobody had as yet concluded his speech by putting any specific motion into the hands of the Speaker. Now, that was what he meant to do before he sat down. This measure he considered to be, perhaps, the most important of any which had ever been brought forward, since he had had the honour of a seat in that House; and yet, a number of hon. gentlemen had hitherto had but little opportunity of expressing their opinions on its principle. In objecting to this bill, as he did most strenuously object to it, in toto, he begged at the same time explicitly to state, that it did not in the slightest extent alter the principles of that support which he had ever felt disposed and determined to afford to the great measure of Catholic emancipation. He would declare, however, that if the substance of this measure had been introduced as a clause into the bill for the emancipation of the Catholics, he would rather have voted against that great measure itself, while it possessed any such clause, than support for one moment such an enormous invasion of the rights and privileges of so large a class of people as this bill for the abolition of the 40*s.* freeholders' franchise went to commit. In the first place, he would observe, that there was nothing before the House —no evidence of a nature to be relied on —that could at all justify, or bear out the recital in the preamble of the abuses and causes which were said to render this bill necessary. He would refer the House particularly to what they had heard that night; and then he would ask them, what was the effect of the testimony upon which they were legislating, in the face of such information as had been communicated to them in the course of these discussions? He would refer them to the evidence on this most important subject, that was contained in the speeches of the hon. members for Louth, Clare, and Derry. If its amount were carefully considered, it would be found to tell strongly in disproof of the asserted necessity for the present bill. Even the evidence that had been given before the House by Dr. Doyle, upon whose testimony many hon. gentlemen so strongly relied, disproved it; or, at any rate, did not justify it. And here he could not help protesting against the insufficiency of the evidence given before the committee, as to any grounds for legislating on the subject now before this House. The fact was, that every question which was addressed to every witness then and there examined, was put in this manner—"Would you have any objection to such a measure, provided we give you such another?" making emancipation, as it were, the alternative. Surely this was altogether unfair, as a mode of questioning, to elicit answers that could be safely proceeded on as evidence in a case of this moment and extent. Before he sat down, he should move for the adoption of that preliminary measure, without which he thought it would be in the last degree unsafe and inexpedient to proceed further with the proposition before the House; namely, the appointment of a committee to inquire into the real state of the elective franchise in Ireland. The hon. gentleman then proceeded to entreat the House to bear in mind the cases of corrupt boroughs brought before it but a very few years ago; and to contrast the ill-advised expedition with which they seemed about to proceed on the present occasion, with the cautious deliberation which they had manifested in those instances. In the case of Grampound, for example, where it was a question to disfranchise only between fifty and sixty electors —where the offences of bribery and corruption were proved beyond all doubt against them, and where the abuse proceeded against had been so often repeated —it should be remembered how much reluctance the House had testified to begin any measure of this kind, even under those strong circumstances. And why? Because the natural but the fearful question was, when they had once begun such a course of visitation for these offences, where were they to stop? Yes, even in that very case, what was the remedy provided by parliament? Was it a remedy to restrain or limit the elective franchise generally, of the people of this country, on account of its abuse by the electors of Grampound? No; but to extend that franchise to thousands who had not enjoyed it before. To be consistent, the framers of the present bill must bring in another; and parliament, if it sanctioned the present one, should sanction another, for adopting the same proceeding in England with respect to freeholders to the same amount. Was it fair, after all the debates on the right of Ireland to participate, in all respects, in the privileges and constitution of England which had occupied that House—after that well-known act which was passed with the express object of establishing the immunities of both countries on a footing of perfect equality—was it fair to visit the 40*s*. freeholders of Ireland with a measure of this kind, and not to extend the same limitation to the 40*s*. freeholders of England? If there was one principle which more than another ought to be kept in view by those who were friendly to a reform of parliament, it was the further extension of the elective franchise; and upon that same principle he now called on all the advocates of parliamentary reform to oppose this obnoxious bill. He needed no information relative to the abuses of the elective franchise in Ireland: it was enough for him to know, that this bill would affect the franchises of about half a million of people ["hear" and an expression of dissent]. If the returns for which he had moved had been laid upon the table, they would have shown, that not less than half a million of people were virtually to be disfranchised by this measure. Want of good faith, he took leave to say, was by no means peculiar to the poor and needy. On the contrary, it was among the great and rich rather that they were to be found, who were most ready to barter away their privileges. Was parliament, then, to deprive, upon charges by no means satisfactorily or to a sufficient extent established, the many of this elective right, in order to vest it in the few? He, for one, could never vote on any such a principle. He was sorry that a division had not been taken upon the very introduction of the bill. No modification whatever could reconcile him to such a measure. If the bill were carried in its present shape, he should consider it a violation as great as the House could possibly practise. He was convinced that if the two wings, as they were called, were taken off, the main question of Catholic emancipation would be carried much better without them.—The evils which had been stated to exist, in order to justify this bill, ought certainly to be corrected; but not according to the principles of this measure. There was not one tittle of evidence before the House; and yet they were about to pas a bill, involving principles and consequences so important.—He considered that he was acting as the best friend to emancipation by opposing the bill; at least until the House should be in possession of evidence to guide their proceedings. Let the House remedy the abuses of the franchise, but not by narrowing that franchise: let them, on the contrary, raise the character of the Irish, improve their situation, and make them sensible of the advantages they might enjoy, by a better use of their elective privileges. Gentlemen ought not to blame the people of Ireland for being under the influence of their landlords, when they perfectly well knew that the same evil existed in this country. They ought to punish the landlords for placing temptation in the way of their tenants, and not the unfortunate tenants, for not resisting that temptation which it would require more than ordinary virtue to resist. The spirit of justice required that punishment should fall upon the heads of those who induced others to commit crime. He did most earnestly hope, that the House would at least pause before they took a step so important in every point of view. He asked, in the name of consistency, how those gentlemen who supported the cause of reform, could consent to lend their support to a measure like the present? [hear.] If those cheers meant that the reformers could consent to lessen the number of voters, he was not a reformer of that class, and would not sail with them in the same vessel: if, on the contrary, they meant only to lessen the influence of the richer classes, he defied them to show how the present bill could effect any such object. He thought that the hon. member for Louth had satisfactorily shown that the bill would aggravate the evil. He would be glad to hear from those who cheered, which of the two propositions they meant to support. For his part, he had always been of opinion, that the best reformers were those who acted upon principles of moral and political rectitude, and not those who were ready to betray their trust, and to compromise one great principle, in order to obtain another. If this measure should be carried, the advocates for emancipation would find, to their surprise, that they would lose by it more votes than they would gain. They would detach many enlightened men from their cause; and they would make no proselytes. It was a miserble, short-sighted expedient; ill-timed, and calculated only to create divisions amongst the friends of emancipation. He would rather see the poorer electors of Ireland, improved in their notions and sentiments, than deprived entirely of the elective franchise. But, without inquiry, without evidence, that House was about to disfranchise an immensely numerous body of people. If only ten amongst them were possessed of a proper sense of representation, and had exercised their elective rights with integrity, what a manifest injustice it was to deprive them of their rights! There were, in all assemblies, great numbers who never could guide their conduct by principles; they voted always upon the grounds of expediency. To such persons he would say, that the present measure, so far from being expedient, would carry with it all the seeds of dissatisfaction, and defeat the very objects which many of its supporters had zealously at heart. Upon these grounds he should submit to the House, by way of amendment—"That a select committee be appointed, to inquire what frauds and abuses exist in the exercise of the Elective Franchise, in Ireland; and to ascertain whether any, and what measures can be adopted to correct the same."

Colonel *Johnson* protested against the House legislating so decidedly, and upon so important a subject, without even the form of an inquiry into the abuses which they pretended to correct. He had been stationed in Ireland, and had seen many elections; but he had never witnessed any thing, which would justify the depriving the people of their elective franchise. He deprecated the measure as an expedient, by which it was sought to deprive a certain class of people of their rights, merely to enhance the privileges of others. The measure was a wanton destruction of popular rights; for all the evils which it pretended to remedy, might be obviated by adopting the principle of taking the votes by ballot.

Mr. *Martin*, of Galway, said he was opposed to the measure, if considered abstractedly from the general one of emancipation; but being deemed essential to the success of that great question, he would give it his reluctant assent. In adverting to the cases of the corrupt boroughs, which had been alluded to in the course of this discussion, the hon. gentleman said, that parliament did not disfranchise in those cases until it had the clearest and fullest evidence before it, that every one of the electors was absolutely corrupt. Could any man, upon no better case than had been made out in the present instance, consent to vote, in the lump, for the disfranchisement of all the 40*s*. freeholders of Ireland? It was said that, on the present occasion, Irish members particularly were to be listened to; but he contended that they were the very last men in the world who ought to be listened to. He himself was the last man who ought to be listened to on this subject. He said that all Irish members were here incredible witnesses. He could easily understand that at a recent meeting of thirty or forty Irish members of parliament, the bill should be a favourite bill; for as it went to disfranchise so many freeholders, the effect would be that gentlemen, instead of having to canvass a whole county, containing some thousands of electors, would have to canvass ten or twenty freeholders. But, as the member for Louth had said, the right of the Irish 40*s.* freeholder stood on as good ground, if not on better, as that of the 40*s.* freeholder in England. Now, would it not be infinitely more reasonable to raise the elective franchise in England, the most wealthy flourishing country in the world, than to raise it in a country like Ireland? He compared the bill to a nostrum of a French quack, who professed to cure the tooth-ache. His patient took the medicine until every tooth dropped out of his head, the sound as well as the decayed. There followed a process in the Tribunal de Cassation, and the matter was gravely pleaded. The judge was of opinion that the patient had been robbed and deluded. The quack defended himself by the terms of his contract. He had undertaken, he said, to cure the tooth-ache; and that he had done. The preservation of the teeth was no part of the bargain. This was the policy of the bill. Investigation was due at least to the interests of the people of Ireland. He contended that there was as much independence, to be found among the freeholders of Ireland, those of Galway more especially, as any where upon the face of the globe. In defence of the Irish freeholder (continued the hon. member), I will adduce an instance of independence which I defy the world to match. Previous to the last election for the county of Galway, at which my hon. colleague (Mr. J. Daly), his uncle, the late Mr. Dennis Bowes Daly, and myself, were candidates; my hon. colleague declared he would remain strictly neutral throughout the contest, and pledged himself to Mr. Bowes Daly and me, that in case any of his tenantry should vote for either of us, he would give to the other two men for one. Every Irish gentleman knows that at Irish county elections a separate booth to receive votes is opened for each barony and that whenever it happens in any booth at four o'clock of any day during the election, that 40 votes have not, in the course of that day been received, the electors of the barony represented by such booth are deemed to be exhausted, and the booth is closed during the remainder of the contest. Now, on a certain day five of my hon. colleague's men, his tenants, broke loose from him, came in and voted for me. Mind, those five miscreants so voted in opposition to my hon. colleague's declared intention. What was the consequence? The opposite party claimed the penalty; and my hon. colleague accordingly brought up ten more of those scoundrels those miscreants alluded to by the supporters of this bill. What did those ten fellows do? They were produced by my hon. colleague to vote for his uncle, my opponent, as a set-off for the five already mentioned; but they to a man voted for me. What more striking proof of independence could be given? But, this triumph of principle was very unfortunate for me. The booth to which they were brought to vote was on the point of being closed for want of the requisite number of votes, and it would have been closed but for this circumstance. In the barony represented by this booth lay my opponent's great strength; and the consequence of these ten fellows breaking loose from my hon. colleague was, that it cost me 600 votes. The hon. gentleman concluded, with saying, that he would support the bill, though with reluctance, for the sake of obtaining emancipation. He had persuaded himself of the propriety of doing a little wrong, for the purpose of obtaining a great right.

Mr. *Daly* complained of the attack which had been made upon him by his hon. colleague, who had assured him, not fifteen minutes ago, that he had no intention of making any allusion to him. Still he preferred this open attack in his presence, to that reference which his hon. colleague had made to him on a former evening, when he was absent. He wished to trouble the House with a few remarks upon the contested election alluded to by his hon. colleague. He was advised upon that occasion by both parties, to preserve a strict neutrality, and he was promised the support of both. He accordingly dismissed his agents. He gave directions that no freeholder should be solicited for him; and he agreed that if any tenant upon his estate came forward to vote for him he would give his hon. colleague two votes for one in every such case; in order to prove that the neutrality was not broken with his consent. Five of his own tenants came forward to vote for him, and he felt bound in honour to give ten votes to his hon. colleague. And this conduct on his part had led his hon. colleague to make that declaration which, under an appearance of candour, conveyed every thing which was unfair. The evils of the 40*s*. freeholders were excessive. There could be no morality, no regard to oaths, as long as the present system existed; but he apprehended that the bill on the table of the House, would not correct the evil. There ought to be a committee of inquiry upon a question of such vital importance.

Mr. *Martin* explained, that he did not attribute to his hon. colleague any guilty fore-knowledge of what occurred. He was sure he had not.

Mr. *Daly* expressed himself perfectly satisfied with the explanation.

Mr. *Spring Rice* observed, that it seemed the two hon. gentlemen who had just addressed the House had lost sight of the main question, and had entered into a long dialogue respecting local transactions; but he congratulated the House at having heard their conversation, as it was the very best illustration of the necessity of the bill which had been introduced by the hon. member for Staffordshire. If we were without evidence before, we had sufficient evidence now to proceed upon. Those two hon. members, "Arcades ambo," had favoured the House with an Amabœan dialogue, which he doubted not would be sufficient to satisfy the most distrustful mind of the necessity of passing the bill. When the House heard the phrases of "freeholders breaking loose," and of "exchanging two votes for one," it was perfectly clear that much freedom of choice could not be exercised by the parties themselves. Before he applied himself to the amendment before the House, he wished to make a few observations on an expression which had fallen from his hon. friend, the member for Aberdeen. That hon. gentleman had said, that the leaders of the Catholics of Ireland—that the men whom the Catholics had respected, whose talents they admired, and in whose virtues, and probity, and public spirit, the country had confided—that these men had betrayed their trust, and had compromised the interests of their countrymen. He would say, that this statement was not correct, and that the Catholics of Ireland would not believe this statement, although it came from the hon. member for Aberdeen. The conduct of Mr. O'Connell and his friends, he was sure, was such as would at least place them above the possibility of suspicion on the part of their friends in this House or in the country. He could not conceive any event more fatal than the propagation of these base misrepresentations, by which the Catholics might be made not only to despair of friends within the walls of parliament, but becoming dupes to wicked and incendiary writers, propagating these insinuations, might learn to distrust those leaders in whom they had hitherto firmly confided [hear, hear]. These wicked calumniators had done more to estrange parliament from the Catholic cause, than could possibly have been contemplated at the beginning of the session. He was surprised that the hon. member for Aberdeen had given countenance to those insinuations which had been so basely and wickedly circulated—not basely by him, for his opinion was honestly and freely declared, but by those secret enemies whose attacks were so much the more to be dreaded because secret. Reverting to the amendment proposed by his hon. friend, he did not think the grounds on which it was recommended were satisfactory or conclusive. His hon. friend had said we had no evidence on which to proceed. Now, he would first of all refer the hon. member to what had just been given in the conversation between the two hon. members for Galway, and he would also refer him to the evidence which had been taken before a committee of that House, and which had been hitherto most strangely overlooked. The part to which he should, in the first instance, allude, was in the minutes of last year, and was found in the evidence of Judge Day. That learned judge stated, that he had known the 40*s*. freeholders driven into the hustings in droves; that they were so illiterate and so ignorant of what their privilege consisted, that they knew not for what reason they were assembled, or for whom they should vote. The judge said, he remembered that one man being asked for whom he would vote, answered, that he should vote for lady Kingston, he having been, it was supposed, a tenant of that lady. The witness was asked, whether the effect of this system was not almost enough to reduce the Irish counties to an oligarchy? He replied, "Yes," and that he had known an instance of one county being thrown into the hands of one individual. "Here" observed Judge Day "there was but the opinion of "one man, and all the other constituents were out of the question." This brought him to another argument of his hon friend. He said that, as a friend of reform, he could not support this measure; now, he (Mr. S. Rice) supported it because he was a reformer. Again, his hon. friend said, he could not support it, because it would reduce the elective franchise; he supported it because it would extend the franchise. He begged to assure his hon. friend, that his objections to the 40*s.* freeholders in counties, neither arose from their number nor yet from their poverty. He approved of a numerous constituency; but it ought to be formed of persons acting and judging for themselves. It was not to the amount of qualification, but to the quality of estate that he objected. His alarm was at the landlord of the leaseholder, at the driver and the distress warrant. This was a fair constitutional ground of objection, acknowledged and acted upon even by the Irish House of Commons in the reign of Geo. 1st. With a view of illustrating his argument he begged to move, that an extract should be read from the 45th vol. of the Irish Journals: p. 853, March 7, 1725 "Resolved, that the obliging any tenant, by covenant or under a penalty in his lease, to vote at the elections of members to serve in parliament for such persons as the landlord shall direct, is an high infringement of the privileges of this House, and destructive of the rights and liberties of the Commons of Ireland."—Now, he put it to those who had read the evidence whether this illegitimate and oppressive influence was not as powerfully exercised by the landlord over the leaseholders at the present day, as if it were enforced under a covenant in a lease. Indeed, he would prefer of the two evils the covenant as being the most open and least dangerous. It was the dealer in votes whom he wished the House to discountenance—the man who, according to Judge Day, "multiplies a mob of freeholders on a waste or moss, and thus becomes a very considerable person in the country." The effect of the present bill would be to take the power out of the hands of these corrupt adventurers, and place it in those of a respectable yeomanry, who he hoped would be above corruption. Honourable gentlemen were quite wrong when they talked of the 40*s.* freeholders in Ireland as bearing the least analogy to those in England. He cared not for the law being the same, when he found the practice so radically different. The following is the description given of the 40*s.* freeholders of Ireland:—Mr. Leslie Foster calls them, "a herd of people brought into vote without any option on their own part. Even the Protestant freeholders of Ulster do not exercise their own judgments; they are too much in the power of their landlords:" Dr. Cook states, that "the 40*s.* freeholders in many parts of Ireland are persons whose cattle are driven once or twice a year for rent." Mr. O'Connell admits, "that the landlords have so much dominion over the freeholders, that they are in many instances considered part of the live stock of the estate." "The freeholders," observes Mr. O'Connell, "are driven up like sheep to vote;" and Mr. Wallace, an intelligent resident in the county of Down, adds, "that he does not conceive these persons to exercise any freedom of choice whatsoever." This evidence is confirmed by still stronger testimony from two of the prelates, Dr. Kelly and Dr. Magaurin. By the examination of the former it appears, that "the freeholders are obliged to register by threats of being expelled from their holdings;" and by the latter, the titular bishop of Ardagh, "has no doubt that the freeholders are driven in to vote—they go along with their landlords."—He apologized for referring to these details, assuring the House that he would not have detained it by referring to those gentlemen's testimony, had he not heard it so frequently said, that there was no evidence to support the bill. He trusted what they had heard would be deemed sufficient by a British House of Commons to put an end to this system of misery and fraud; of baseness and of oppression. For he was prepared to prove, by the evidence already before the House, that the present system was wholly contrary to every principle of free and popular representation. Mr. Blake states, "that the power of the great proprietors would be diminished in proportion as is taken from them the power of creating, through the means of their extended property, small freeholds, and consequently that in the same proportion the power of proprietors of moderate property is increased." Colonel Curry "considers the existence of the 40*s.* franchise tends to strengthen the aristocratic influence," General Bourke conceives that "raising the qualification to 10*l.* would add to the influence of the smaller proprietors, would increase the resident and diminish the absentee interest and in both effects would conduce to the interests of the country." They had the evidence of Judge Day also, stating, in his opinion, the passing of such a measure would, amongst many other advantages, increase the influence of the resident proprietors, and diminish that of the absentees. Would not that be a desirable object, and fully worth the sacrifice of minor considerations? Some hon. gentlemen had argued, that the hon. member for Staffordshire meant to disfranchise the whole 40*s.* freeholders. Nothing could be more incorrect; he disfranchises none, but leaves them in possession of the full extent of their franchise, that he may preserve the principle of vested rights untouched. But, even supposing that his hon. friend would disfranchise the present 40*s.* freeholders at once, where would be the loss? Why, they had the evidence of Mr. O'Connell, that very few of the really independent freeholders would be disfranchised by fixing a ten pound qualification, and this they had from a man who went so far as even to advocate universal suffrage. The words of Mr. O'Connell are important: he observes "I think few voters really independent would be disfranchised by raising the qualification to 10*l.* In talking of derivative rights very few who vote according to their own wishes would be disfranchised." He would ask, therefore, whether they would continue to support any but the real 40*s.* freeholders? But they might think Mr. O'Connell not an impartial witness. Would they not trust the evidence of colonel Curry? He says, that in every respect, in his opinion, the real 40*s.* freeholder will remain the same as before; so that, by these accounts, even if the hon. member for Staffordshire was to make his bill operative now, none of those evil effects would follow, which hon. gentlemen anticipate. If, therefore, the House wished to see a fair and honest constituency in Ireland, they would give their consent to go into the committee; and that it was the method to produce that fair and honest constituency, he would maintain: but if it should affect the fee simple freeholds—if it should be brought in any way to injure them, he begged now to be understood, that he would object to it altogether, either with Catholic emancipation, or without it; for he would rather lose Catholic emancipation altogether, than see the old fee simple freeholds destroyed. But it was said, that great proprietors would maintain some influence even over the fee simple votes. True, but it would be influence, not authority; and even as influence it would only be of that indirect kind which no legislature can prevent. Indirect influence the rich had and would have; it was impossible to be altogether free from it, as long as human nature continued to be what it was; but when it appeared openly, and became dangerous, he knew how to deal with it, independent of the remedy of a total destruction of the fair and honest fee-simple freehold. He rejoiced that this bill was accompanied by other measures; but, great as he thought the good to be obtained from Catholic emancipation, still he was of opinion that this bill was a great good in itself, independent of any other good with which it might be mixed up; and he begged unhesitatingly to declare, that even if the Catholic bill had not been introduced, he was so thoroughly convinced of the benefit to be derived from this measure, that he would have supported it alone; for he wished to see a pure constitutional body of electors supporting their rights against the oligarchies which sought to rule over them. The hon. member then alluding to the unanimity now prevailing in Ireland, and declaring that unanimity to be the surest mode of carrying the question, and a power against which no cabinet, united or disunited, could contend, concluded, after passing some encomiums upon the conduct of Mr. Brownlow, by imploring the hon. member for Staffordshire not to allow the fee simple freeholds to be touched; for if he did, the English members were bound to step forward and defend those tenures, as the only means by which they could hope to protect their own. To extinguish the fraudulently manufactured votes was, he trusted, the object of the hon. gentleman's bill, and he therefore gave it his unqualified assent.

Mr. *M'Naughten* declared himself to be altogether opposed to the bill. It was one of disfranchisement; but, who were to be disfranchised? Not the delinquents; not they, whose acts justified the proceeding; but the liberties of those who were unborn were to be strangled. It was an unconstitutional, an absurd, and an unjust measure. It was to cut off both hands of a man, in order that he might the better be able to defend his person.

He could not believe that the voters would suffer themselves to be driven as had been described. He felt assured that the effort to drive them would be resisted, and that they would turn round upon their drivers. If there was complaint of the abuse of the franchise, there ought to be a committee of inquiry, before any alterations were proposed.

Sir *F. Blake* supported the bill on the principle that it tended to produce a very salutary reform. The 40*s.* freeholders, though nominally they had votes, yet actually had no votes at all. They would lose nothing, therefore, by disqualification; but they would gain greatly by participating in those blessings of freedom which the main measure now in progress through the Houses would yield them.

Captain *O'Grady* said, he had heard with as much astonishment as any English member, the description which had been given of the conduct, appearance, and character of the 40*s.* freeholders in Ireland. He had been a witness of contested elections in that country, but he had never seen the electors driven or led up to the hustings like hordes of cattle, as it was said, to give their votes at the command of some master. He, however, gave his entire concurrence to the bill, as he believed it would have the effect of setting aside the unsubstantial voter, and confirm the bona fide freeholder in the possession of his proper share of weight and influence.

Mr. *Dominick Browne* said, he would support the bill upon its own merits. He believed that the 40*s.* freehold system was one of the leading causes which entailed beggary and misery upon Ireland. A greater incentive to perjury in any country could hardly, by possibility, be devised.

Colonel *Trench* supported the bill on its own merits, and totally apart from its connexion with any other measure. He considered it to be an honest, useful, and effective bill; and one, that, if passed into a law, would confer a great blessing on Ireland.

Lord *Milton* said, he would support the bill, not so much on its own merits, which he thought had been exceedingly exaggerated, but because its success would conduce to the success of the main measure of emancipation. The 40*s.* freeholders in Ireland had been described by an hon. member on the second bench opposite, as perfectly independent; but, he must say, that the opposition which that hon. member gave to the bill under consideration, was, with him, an additional reason for agreeing to it. He would state to the House a few facts. The hon. member to whom he alluded, and who was now member for a borough on the east coast of England, some years ago represented a county in the north of Ireland. It happened, however, that a member of a noble and powerful family came of age; and immediately that young nobleman entered the House as member for the county of Antrim, the hon. member took his seat for the borough of Orford [hear!]. Such was the independence of Irish freeholders! That was the kind of system that he wished to destroy; and although he confessed the present bill was not exactly the measure he would have chosen for the purpose (for he disliked the sound of the word "disfranchisement"), yet as it was calculated in some degree to diminish the evil, it should have his support. In his opinion, considerable benefit would be derived from allowing a longer time to elapse between the acquisition of the right of voting, and its exercise. He also thought the registering system an exceedingly bad one, and that it ought to be at least regulated, if not entirely destroyed. In the next session of parliament, he might perhaps submit these propositions to the consideration of the House. In the mean time, he would vote for the present bill.

Mr. *M'Naughten*, in explanation, declared that the noble lord was quite wrong in what he had stated respecting him; for that it was not the fact that he ceased to be a member for the county of Antrim when the heir of a noble family came of age. He ceased to be member for the county of Antrim on grounds best known to himself, and which had been approved of by all his friends.

Lord *Milton* explained. He had not said the heir, but a member of a noble family.

Mr. *Becher* supported the bill, upon the ground, that whatever objection there might be to it in theory, it would be found, in its practical results, to favour purity of election. But he principally supported it, because it facilitated the great measure of Catholic emancipation. The principle of the present bill was called for by Protestants; it was agreed to by Catholics; and opposed only by those who were without any practical knowledge on the subject.

The main question being put, "That the speaker do now leave the chair, the House divided Ayes 168. Noes, 52. Majority 116.

Mr. *Lambton* declared that if the bill before the House, and the bill in favour of the Catholics were to be considered as necessarily connected, his mind was made up to vote against the latter.

Mr. *Hobhouse* entreated his hon. friend, to reconsider what he had just said. He thought that, as his hon. friend had made his opinions known on the disfranchisement bill, he might with greater safety still continue his support to the great measure of Catholic emancipation. If there was any error in combining the two bills, the error was not his hon. friend's; and it would be only playing into the hands of the antagonist of the Roman Catholic question to vote against that measure, because it was coupled, in appearance, with one not so agreeable to his feelings.

Mr. *Hume* saw no reason why his hon. friend should not maintain his consistency as a friend to parliamentary reform, by voting against the bill. For his own part, if the two measures of Catholic emancipation and disfranchisement were identified, he would rather vote against the Catholic emancipation, than against the disfranchisement of the 40*s*. freeholders.

Mr. *W. Smith* said, that ever since he had been a member of that House, he had always voted both for parliamentary reform and Catholic emancipation. It would hardly be supposed that, at the present moment, he could feel any inducement to resign his claim to consistency; but as he could see no inconsistency in voting for the present measure, he would do so with all his heart, as the means of obtaining great and permanent advantages for the Catholics.

Mr. *Brougham* said, he would, on every principle of public duty to which he had been attached during his political life, support the Catholic Relief bill. On the principle of right, as well as of political expediency, it should receive his best assistance; and if he had any weight with his esteemed friend, the hon. member for Durham, and with the hon. member for Aberdeen, he would entreat of them to receive what he was now about to say with that kindly consideration, which he hoped it would be found to deserve. He had not, it should be observed, given, by his vote, any sanction to this measure. He had, on the contrary, with great pain to himself, argued at length, boldly and frankly, against this bill—a bill which he was exceedingly sorry had ever been coupled with the Catholic question. He could not see how that bill had ever come in conjunction with the bill for the relief of the Roman Catholics. Nothing, in his opinion, but an hallucination of intellect, the evil effects of which were shown by the proceedings of that night, could have connected those two measures together. If any gentleman was in favour of the freeholders' bill (to which certainly he would not give is support), let him advocate it on its own intrinsic merits. Why should it be mixed up with the Catholic question, with which it had no natural connexion? His hon. friend, the member for Durham did not feel more deeply than he did the objections which applied to the measure now before the House. But if he had been prevented from defeating it—if a large majority had voted in favour of it, and he had been defeated in an attempt to check the progress of it, that was no reason whatever for his altering one iota, or swerving one hair's breadth from his opinion, which was founded, not on the freeholders' question, but upon the merits of the case, upon principles of right and justice, and motives of the highest political expediency. He would not give up the consistency of his whole life. He would not give up his honest and conscientious conviction, that the Catholic question in its pure unsophisticated shape, was absolutely necessary for the salvation of Ireland. He conjured his hon. friends to listen to the voice of that country, in whose welfare they had a deep stake. He himself was willing to sacrifice all for its interests. He conjured them, by those public and private motives of attachment to their duty, and he conjured them, not hopeless of being listened to by them, still to do their duty; and he would tell them the reasons which should make them do their duty. If they did not vote for the Catholic question, this consequence followed, that they did not choose their own opinion for themselves; that they were not free agents; that they could no longer say they would vote for the Catholic question or against it, because they would vote for it one day and against it another, according as a majority of the House on another question, not necessarily connected with it, might or might not choose to adopt an opinion in which they did not concur.

No man should make him vote against his own opinion, by taking a line of conduct on another question to which he was adverse. If he were now, because the House differed from him on the Irish Elective Franchise bill, to alter his vote on the Catholic Relief bill, he should be giving himself up, tied hand and foot, into the power of the House, and voting against his own conviction, upon one question, for no better reason than because on another question the House differed from him. This he declared to be his feeling; and he earnestly put it to his two hon. friends to review their opinions; not to retract what they had said, but to reconsider what they had said, and before to-morrow night should come, to consult their pillows, and in that better judgment he had the most confident hopes of success.

Mr. *Lambton* observed, that the hon. and learned gentleman who had just spoken, and the hon. member for Westminster, had seemed anxious to take the opportunity of attacking him and his motives in consequence of what he had stated. The hon. member who had just sat down was quite mistaken as to the reasons on which he (Mr. L.) grounded his proceeding. It was not in consequence of being in a minority on this Elective Franchise bill, that he had determined to vote against the other bill. He had announced his opinion some time since, that he never could vote for the Catholic question when disfigured by this bill. He considered it so intimately connected with the Catholic question, that they were one and the same thing. He had heard nothing to induce him to alter his opinion. He never gave a vote from interested motives; but from a sincere conviction, that by so doing he best served the principles which he supported, and it would not be the misfortune of differing from any hon. friend, which would induce him to alter that course. If the House were to carry emancipation, accompanied by the Elective Franchise bill, he thought it would be doing greater evil than leaving the thing as it was at present. In thus expressing his sentiments, he had not expected to have been called upon to retract. What he had done was what he conceived the best course for the good of the country. He was not to be browbeaten into another course; and so help him God! he would pursue the same course, even though with the loss of the dearest friendships he enjoyed in the world.

Mr. *Brougham* wished to put it to any hon. member—it was a large challenge, as he believed there were nearly three hundred present—whether he would get up and say, that there had been any thing in the tone of what he had ventured to submit which could be considered as an attempt to browbeat? If any hon. member would say, there was any thing beyond affectionate and respectful remonstrance, then he would admit that he had been guilty of a great offence against good feeling, and good manners.

Colonel *Johnson* repeated, that he did not think Catholic emancipation was worth the price of this bill.

Mr. *James* said, that although he was an advocate for universal suffrage, he would vote for the present bill; because he looked upon its consequences as no disfranchisement at all. The freeholders were voters in name, but not in reality.

The House then went into the committee.

Mr. *Littleton* said, that at so late a period of the night, he did not think it advisable to propose any amendments to the bill. He would merely suggest, that the blanks should be filled up, and that it should be recommitted for Thursday.

HOUSE OF COMMONS.

Tuesday, May 10.

Roman Catholic Claims.] Mr. *Doherty* said, that the right hon. the Secretary for Foreign Affairs, being unable to attend in his place that night, had requested him to present the petition which he held in his hand. It was the petition of the Protestant nobility, magistrates, and gentry, of the county of Galway, in favour of the bill now pending for the removal of the disabilities under which their Roman Catholic brethren had so long, and, in their opinion, so unjustly laboured. The House would judge of the respectability of the signatures to the petition, when he stated that amongst them were to be found those of the marquis of Sligo, and lord Clanricarde. He moved that the petition be brought up.

Mr. *V. Fitzgerald* begged to assure the House that there was not a Protestant nobleman or gentleman of rank in the county, who was not decidedly favourable to the claims of the Catholics; and it was worthy of remark, that this petition came from a set of noblemen and gentlemen who resided in a county peculiarly Catholic, and who were therefore the better able to judge of the feelings and opinions of the Catholics by whom they were surrounded. He was happy to have an opportunity of adding his feeble testimony to what had been said by his hon. friend, in presenting the petition.

Mr. *Doherty* said, that as that was in all probability the last petition from the Protestants of Ireland before the decision of the question, he was anxious to say a few words upon the whole number of petitions which had come from Irish Protestants, either for or against the question. He was the more anxious to do this, as the Irish Protestants were the best able to appreciate the propriety and expediency of such a measure as that to be discussed that night. Against the bill no more than nine petitions had come from Irish Protestants. Of these nine it was not his wish to say much, but he must observe, that four of them came from parishes in a county not the most likely to view the subject impartially, as, unfortunately, party spirit and party feelings were two prevalent there. On the other hand, he found that seventeen petitions had been presented from Irish Protestant bodies in favour of the bill, making a majority nearly equal to the whole number on the other side. He was aware that the number of petitions in its favour was small compared with the entire Protestant population; but the House must bear in mind, that if the feeling of the great body of Protestants had been against the measure, the majority of petitions would have been infinitely greater the other way. He was one of those who had ever thought it impossible to conciliate the Roman Catholics without also conciliating the Protestants. This, it appeared to him, they had now the power to do; and if the House in its wisdom should think with him, he called upon them to do both by carrying the bill now before them.

Mr. *S. Rice* observed, that the feelings of the Protestants of Ireland were daily and hourly becoming more favourable to the interests of their Catholic brethren. The feelings of the Irish representatives were decidedly in its favour; and if the present bill were lost, it would be lost in consequence of British feelings and British interests being opposed to it. He implored the House to weigh seriously the alarming consequences of such an opposition. It would be looked upon as nothing less than applying the axe to the root of British connexion and British intercourse.

Mr. *Butterworth* could not agree with hon. members, that the feelings of the Protestants of Ireland were in favour of the Catholic Relief bill. He had received letters from Ireland, which informed him, that the feeling was strongly the other way, and that several of the signatures to the Protestant petitions in favour of the Catholics had been obtained through fear and intimidation.

Mr. *V. Fitzgerald* begged, as an Irish gentleman, and an Irish representative, to put his personal knowledge and experience in opposition to the communication made to the hon. member for Dover. He took leave to give the utmost latitude of denial to the statement, but most of all, to that part of it which said that the signatures of Protestant gentlemen had been obtained through menace. If the Protestants of Ireland were opposed to the bill, instead of sending seventeen petitions in its favour, they would have covered the table with petitions against it. He assured the House, that the feeling in its favour was daily increasing in Ireland; but chiefly amongst those who were best calculated to form a correct opinion upon it.

Lord *Althorp* was glad that the hon. member had put his personal knowledge in opposition to the anonymous information of the hon. member for Dover. It was to him somewhat singular, that they should now have heard of that information for the first time. The hon. member must have been aware that a Committee had been sitting up stairs, and that he might, if he had so pleased, have called any number of witnesses before it. He would not take upon himself to say, that the Protestants who signed the petitions in favour of Roman Catholics had done so through intimidation; but he would say, that the Protestant gentlemen who gave their evidence before the committee, had not been in any way intimidated, and he appealed to every member present, whether they were not decidedly in favour of the bill? He could not help thinking, that the hon. member had been misinformed, and that the answer given by the right hon. member opposite, was that which the House ought to rely upon.

Mr. *Sykes* said, that the hon. member had made his statement from a letter which he had not read, and upon an authority which he had not named. He was bound, in fairness, to read the letter and name its author; in order to give the

House an opportunity of judging whether the writer was not some worthless character, undeserving of credit or attention.

Mr. *Robertson* said, that he had always supported the Catholic Relief bill; but, if it was to be coupled with the Disfranchisement bill, it was a question with him how far its supporters on former occasions were bound to advocate it under such circumstances.

Mr. *Butterworth* said, he had not made his observations lightly, nor without consideration. He had not gone upon the evidence of a solitary letter. Being anxious to satisfy himself, he had sent a circular to all parts of Ireland; and the answers were such as he had described. Such being the case, he felt it his duty to communicate his information to the House. He had not, it was true, made his inquiries of members; as they were likely to be under particular obligations to their constituents [hear, hear! and a laugh].

Mr. *N. Doherty* said, that as the hon. member had made his statement upon the authority of letters without a name, he trusted that he, too, might be allowed to state that he had received letters—many letters—from men of high rank and professional character in Ireland, men who had heretofore been opponents to this bill, earnestly praying that it might pass into a law. From men, too, who certainly had not been solicited by him to give their opinions: and he must take leave to say, that opinions thus spontaneously expressed, were, to say the least of them, of as much weight as those elicited by the hon. member's circular. He could not pretend to say what were the precise terms of the hon. member's inquiries; but he trusted the hon. member had asked, whether the Protestants of Ireland were favourable to the Catholic cause, and at the same time, expressed a hope that they were so.

Mr. *M. Fitzgerald* assured the House, that the Protestants of Ireland were not to be intimidated; and it was but a poor compliment paid to them by the hon. member for Dover, in his over zeal for the Protestant religion, to say that their signatures had been obtained by menace. The hon. member had sent his circular, and had detailed to the House the answers returned to him. If any hon. member were to open a shop in this country for the reception of tales of bigotry and hypocrisy and intolerance, there was no doubt but he would find ample contributions to it. The hon. member had avoided applying to Irish members for information, because, forsooth, they might be under obligations to their constituents.—Why, he for one was under many obligations to his constituents, and he assured the hon. member, that those constituents were as essentially Protestant as his own could be: and, it was because they were so, that they wished to remove the disabilities under which the Roman Catholics laboured. The Protestants of Ireland were not to be intimidated; neither were they to be cajoled. He hoped the House would reject those calumnious and malicious reports which originated in the worst feelings, and were circulated for the most despicable of purposes.

Mr. *Peel* presented a petition from eleven magistrates and 28,000 inhabitants of Manchester and Salford, against further concessions to the Roman Catholics.

Mr. *Phillips* said, that this petition was not to be taken as expressing the sentiments of the inhabitants of Manchester generally, but of a certain party, who had not dared to call a public meeting. All sorts of contrivances had been used to obtain signatures to it. It had even been exposed in the public streets, and a gentleman was now in the lobby of the House, who had seen boys affix their names to it. Constituted as the magistracy of Manchester was, consisting of persons of one political faith only, he did not expect that they would set an example of superior liberality in principles, opinions, or practice. Some of them, indeed, had been zealous advocates for the establishment of Orange Societies in Lancashire, in order, if possible to introduce into that county the religious animosities that at present disturbed Ireland. Application had been made by the leaders of the Anti-catholic party to Methodistic and Calvinistic ministers, to receive the petition into their chapels; but in the Methodist chapels only, he was happy to say, had signatures been appended. In fact, the document deserved no other epithet than that of a "hole and corner" petition. Since it had been got up, application had been made to the boroughreeve to call a public meeting, to consider of the propriety of petitioning parliament in favour of the Catholic claims; and after five hours discussion, it was resolved in the affirmative by a majority of at least three to one. He rejoiced that the town of Manchester had set this example of liberality to the rest of the kingdom. He thought that a great change had taken place in the feelings of the mass of the people upon the question of Catholic rights, and he had said, that the inhabitants of Lancashire, formerly hostile, were now indifferent; but, he had little expected that in the course of two days and a quarter, three times as many signatures would have been subscribed to the petition in favour of the claims, as had been procured by all kinds of artifices in the same space against them. Such was the fact, and the petition which his noble friend (lord Stanley) was instructed to lay before the House, contained more than 8,000 names. The petition in the hands of the right hon. Secretary, in fact spoke any thing but the sentiments of the people of Manchester at large.

Mr. Secretary *Peel* said, that it had been his practice to present to the House the various petitions intrusted to him without comment; as none of them had been prepared or subscribed at his instance or suggestion. In justice to the petitioners who had now confided the statement of their sentiments and wishes to him, it was, however, absolutely necessary for him to say a few words. Of course he knew nothing personally; but he was instructed positively to deny the allegations of the hon. member. The petition did not profess to be more than "the petition of the undersigned inhabitants of Manchester and Salford," and it did not arrogate to itself to express any thing more than the opinions of those who had subscribed it. When the hon. gentleman said, that it had been got up by those who had not dared to call a public meeting, he ought to have added the reason why a public meeting against the Catholic claims had not been convened. The promoters of the petition had applied to the boroughreeve for the purpose of having a meeting; and when that gentleman addressed the assembly, which was subsequently called, with a contrary object, he had done the present petitioners the justice of saying, that it was by his advice that a public meeting had not been held: the consequence was, the private meeting at the Bridgewater Arms, in deference to the opinion of the boroughreeve. He had also been informed, that several sheets had been withheld by the petitioners because they were found to contain the signatures of boys. In order, if possible, to procure the rejection of the petition, or at least to injure it in the opinion of the House and the country, he had been desired to mention, that certain individuals, unfriendly to its objects, in some instances, had succeeded in getting the signatures of boys to the petition. This fact might, if necessary, be established. Whatever objections might be urged to it, the petition undoubtedly spoke the sentiments of 28,000 inhabitants of a town, in importance second only to the metropolis.

Sir *T. Lethbridge* observed, that between two or three thousand signatures had been left in Manchester, which could not be subjoined to the large roll about to be laid upon the table. At the public meeting, it was true that a petition in favour of the claims had been voted, but the fact, he understood, was, that the benches had been so filled by Roman Catholics, that the Protestants could not obtain admittance in order to hold up their hands to the contrary. He was convinced that the strongest possible feeling animated the inhabitants of Manchester generally, against the bill.

Mr. *B. Wilbraham* saw no reason why the other magistrates of Manchester should be stigmatized, because some of the body might have wished for the establishment of Orange lodges in Lancashire. They were all satisfied that concession at that moment would be dangerous.

Lord *Stanley* objected to the signatures of the magistrates, who had put their names to the petition in their magisterial as well as in their private capacity. Those individuals had hitherto not mixed themselves with political questions, and he therefore saw with more pain and regret that they stepped forward on this occasion, to oppose the further progress of a bill which was necessary for the tranquillity of Ireland, and for the safety of the empire. But for the subsequent public meeting, and the resolutions then adopted, the petition presented by the right hon. Secretary would have appeared to be the petition generally of the inhabitants of Manchester and Salford. The noble lord then presented a petition from certain inhabitants of the town of Manchester, convened in public meeting, in favour of the Roman Catholics.

Ordered to lie on the table.

Roman Catholic Relief Bill.] The order of the day being read, "That this bill be now read the third time," Mr. *Curwen* rose and said, that although he had sat in that House for many years, he had seldom taken a part in the discussion of the question then before them. He trusted, however, that upon the present occasion, he might be permitted to obtrude himself upon their attention for a very few moments. It had been the policy of those who were opposed to the measure of Catholic concession, to represent the great body of the people of England as hostile to that measure. For his own part, as far as his experience went, he could confidently assert that such a representation was erroneous. He had the honour to represent a large county, and so far from the existence of any hostile feeling amongst his constituents, he could say, that a great and decided majority of them were favourable to the Roman Catholics—a feeling in which he himself most heartily concurred. He would go further and say, that there were none more attached to Protestantism than the inhabitants of the north of England, and he was certain that if by the passing of this measure they anticipated any danger to the established religion, they would be the last to support it. But they foresaw that by granting emancipation, they were affording the most effectual security to the Protestant religion. Was it nothing he would ask, to conciliate six millions of people, and convert them from enemies into friends? He had always been accustomed to consider the restrictions upon the Roman Catholics as resulting from political and not religious motives. They were entered into originally for the protection of a prince, who was called to the throne of these realms by the voice of the people, and to prevent the return of another prince who had been excluded from that throne. But the political reasons which existed for those restrictions had long since ceased, and if, at the period of their enactment, they had not been looked upon as a security for the Protestant religion, still less were they called for at the present moment. There never, he contended, was a period, when alarm ought less to prevail than at the present moment, for there never was a period when the church was in higher favour, or when its ministers discharged their duty in a more exemplary manner. It was, therefore, with considerable pain that he saw the members of that respectable and venerable body coming forward with petitions against the Catholics. If such was the conduct of the enlightened and the educated, what could be expected from the unlettered and the ignorant, who would naturally look up to them for an example? He was sure that much of the opposition to the emancipation of the Roman Catholics proceeded from an ignorance of the real character of the low classes of the Irish. He had himself at one time shared in that ignorance, and he had gone to Ireland imbued with many prejudices against its inhabitants. Those prejudices he was, however, happy to say, had been completely removed. Although subject to every privation, and labouring under the extremity of wretchedness, there were no people in whom the social affections were more strongly developed than in the Irish. There were none superior, and few equal to them, in all the relations of father, husband, son, and brother. Treat them but kindly, and an abundant harvest of gratitude and good feeling would follow; but it was idle to expect that Irishmen would submit to a continuance of that system of degradation and insult to which they had hitherto been subjected. He would take the liberty of mentioning a circumstance which had occurred within his own knowledge, and which would tend to illustrate his argument. In the town where he lived, there were from 700 to 800 Irishmen of the lower orders residing. A strong prejudice had, for a long time, prevailed against them; the consequence of which was, a reciprocal hostility upon their part, which vented itself, occasionally, in acts of aggression and outrage, which went so far at last, that the military was obliged to be called in. In this state of things it occurred to some of the inhabitants, that the conduct of these Irishmen must have proceeded from their having no place of public worship; for, while the Protestant inhabitants were peaceably engaged in the performance of their religious duties, the Irish were given up to riot and debauchery. They accordingly subscribed to the erection of a Catholic chapel, procured a clergyman, and their subsequent conduct was the very reverse of what it had been. Their children were educated, and the prejudices which had prevailed against them were gradually done away with. He was sure that similar results would follow from similar conduct in other parts of the kingdom. Of this he was at least certain, that if any of the "No Popery!" chalkers were to endeavour to excite a prejudice in the town to which he had alluded, they would be hooted out of it with a universal cry of indignation. He should not trespass further upon their attention than merely to say, that if we refused to conciliate the Catholics in time of peace, it was hardly to be expected that they would be satisfied with the same measure of concession in time of war [hear, hear!]. He, for one, would not blame them if they were not. The hon. gentleman concluded by expressing his cordial approbation of the measure.

Sir *R. H. Inglis* rose and said:—

Sir; a large part of the debate which has taken place hitherto upon this great question has, on one side, proceeded upon the assumption, that there has been a considerable change in the principles and character of the church of Rome; a change so considerable as to justify the removal of all those securities, or, at least, of almost all those securities against it, with which the wisdom of a former age had surrounded the Protestant constitution of this country. I contend, on the contrary, that the church of Rome is not merely unchanged, but unchangeable. I contend, that the evidence on which this change is, in the judgment of the hon. member for Armagh, sufficiently proved, is, in itself, and on other points, so little trust-worthy, as, at any rate, to justify no great experiment on the constitution. I contend, that this experiment, the object so long and so clamorously sought under the name of Catholic Emancipation, is of little benefit to the great mass of those, in whose name and behalf it is urged. I contend, that those, the very few, to whom it would be beneficial, it would still leave dissatisfied and discontented. I contend, that the claim so urged is not a right founded either in abstract natural justice, or in specific convention. I contend, lastly, that under these circumstances, it is wiser and safer, in the choice of many ways full of difficulties, to keep to that path, which, though not without its difficulties, is still the path by which the country has advanced to her present greatness, and the people to the largest aggregate of individual happiness ever yet combined.

The hon. member for Armagh, and the right hon. gentleman, the Attorney-general for Ireland, have (very conveniently, I admit, for their views of the subject) desired us to give them nothing of that old almanack —history. The hon. member for Armagh desired that he might be met, not by old facts and old prejudices, but by new and contemporary evidence, and fair reasoning. Though I deny the right (in argument on a question involving the probabilities of human conduct in future) to expunge from our consideration all that is past, to deprive us of all the benefits which history might give us, and to limit us to the observations of our own ephemeral existence, yet I feel so confidently the strength of our position, even on the ground which our adversaries have chosen for us, that I am willing to meet them there, and with their own weapons. I will, therefore, pledge myself, in my endeavour to prove the unchanged character of the church of Rome, to use nothing but new and contemporary evidence, and, I trust, nothing like prejudice. The evidence which I shall offer shall be as accessible as that on the table of this House, and more authoritative; because, in great part, it shall be the evidence of the Papal See itself. I am willing, indeed, to admit, that, in many things, the church of Rome has changed since the Reformation: but, in none has she changed connected with her influence on the present question. I am willing to admit, that the physical power of the church of Rome, over the bodies of men, is considerably less; but I contend, that she still exercises over the conscience, and over the intelligence of men, a despotism as complete, and as dangerous (so far as her power extends) as she ever did.

If I were asked to measure the progress of public opinion, and the state of the human mind in any country, I should refer, not so much to her laws, not so much to her institutions, as to her literature—to that which represents man in every condition of his social and private life, which models his character, and is itself modelled by it. Now, by that test I am willing to try the church of Rome. I will tell you, not what her literature *is*, but what it *is not*. Her tyranny over literature, her proscription at this day of all the great masters of the human mind, can be paralleled only by the tyranny and the proscription which she exercised five centuries ago, over the minds and bodies alike. The volume which I hold in my hand, the "Index Librorum Prohibitorum," contains a list of the books which are *at this time* proscribed in the church of Rome, under the penalties of the Inquisition. It was printed at Rome, by authority, in 1819, and I bought it there, in the College, I think, De Propaganda, in 1821. The list was framed at different times: the literature of every generation since the Reformation has added some of its treasures to it; but, when I quote the names of earlier greatness proscribed in it, let me not be supposed to violate the pledge with which I began; for I quote no charge against the sixteenth century, which cannot in the same words be applied to the nineteenth; none against a Pius 5th to which a Pius 7th did not actually and honestly expose himself. The first book in this great Catalogue of works which are taken from the faithful every where, and are given up to the Inquisition, is "Bacon de Augmentis Scientiarum;"[*] "Locke on the Human Understanding;" and "Cudworth's Intellectual System," follow in the train. Let me add a minor fact connected with the papal condemnation of Bacon's work: the date of the publication of that work preceded the date of the decree against it about fifty years; so little had the church of Rome in that day risen to the level of the age, that fifty years had elapsed before the name and the work of Bacon appear to have reached the Vatican. It is true, that the best modern literature of the land of these great men is not as yet proscribed; but, may we not venture to believe, that fifty years hence, when some future Pius, shall have heard that, in the heretical country of England, there had existed about this time two such men as Dugald Stewart and William Paley, their names will be added to those of Bacon, Locke, and Cudworth; and their works also will be condemned, as fatal to the faith of man? Many other English works are proscribed. One only I will mention, "The Paradise Lost" of Milton.[†] The reading of the work was interdicted, indeed, nearly a hundred years ago; but, the prohibition was renewed in 1819. Is not this enough to prove, that the character of the church of Rome is not so open to a beneficial change, as some of my honourable friends are willing to hope and believe it to be? I pass over large classes of books, the very possession of which is forbidden; but, I must notice the impartial prohibition of science. Sir, the church of Rome proscribed Copernicus;[*] but to make all things even, it has proscribed Des Cartes also.[†] Will the House believe it possible, that the celebrated sentence in 1634, against Galileo—a sentence immortalized by the execration of science in every country where the mind is free—should be renewed and republished in 1819?[‡] Yet, of this fact, I hold the proof in my hand, in the volume of the "Index" which I have already quoted. The work of Algarotti, on the Newtonian system, shares the same fate: so that every modification of science, in other words, every effort of free inquiry, every attempt to disengage the mind from the trammels of authority, is alike and universally consigned to the Inquisition. I venture to think, that a good library, in almost every class of literature, might be formed out of the books which the church of Rome in this "Index" prohibits. Am I not justified in saying, that the church of Rome remains unchanged, the unchangeable enemy to the progress of the human mind? Every other institution is advancing with sails set, and banners streaming, on the high, yet still rising, tide of improvement: the church of Rome alone remains fixed, and bound to the bottom of the stream by a chain which can neither be lengthened nor removed. The House will not be surprised, after this, to hear, that Grotius "De Jure Belli et Pacis" and Puffendorf, are equally and impartially given up to the Inquisition. But, will not the House be surprised to hear of the treatment which Fenelon has experienced? Alive, he was condemned and persecuted; to this day, one of his most devotional works, as I believe it to be, is placed in the same Index of Abominations from which I have made the preceding selections. Surely my hon. and learned friend, the member for Plympton, in a speech on a former occasion, to which I listened with less delight than usual to any thing from him, because I could not agree in his conclusions, claimed too much for the church of Rome, when he described it (I use the substance, if not the words of my hon. and learned friend) as the religion of Fenelon. Another hon. and learned friend of mine, now no longer a member of this House, in a splendid passage which I well remember, enumerated the great divines of the Roman Catholic church, and referred to the solemn and saintly morality of Nicole, the severe and intellectual faith of Pascal, the devout and affectionate religion of Fenelon, and asked, whether the church, which these men represented, could be fairly an object of the aversion with which we regard it? I answer, whatever the church may be which these men represent, it is not the church of Rome. The church of Rome will have none of them. It "proscribed them living, and condemns them dead." Of Fenelon I have already quoted the proscription: Pascal, also, in his two celebrated works, (one, indeed—the "Pensées"—on account of the notes of Voltaire which accompanied it), is condemned in the same "Index"; and Dr. Doyle, in a Letter which was published last year in Dublin, as distinctly renounces another of the very best of the Roman Catholic divines. His Correspondent, in reference to a comprehensive scheme for uniting the churches of England and of Rome, had referred to the names of Pascal and Quesnel.* He answers, "the very mention of Baius and Quesnel would cause every Catholic to revolt from you; and I, myself, would rather undertake to reconcile a church-of-England-man to Rome, than attempt to render *Quesnel* or Baius acceptable—so odious are these names to us." "The opinions of Baius or *Quesnel* should never be mentioned, if you wish to conciliate the Roman Catholics."† And yet, it is by these names—the names of Fenelon, Pascal and Quesnel—that the church of Rome is most advantageously known in this country; it is by these names, that it is alleged, by her Protestant friends, that she is represented.

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[*] Baconus (Franciscus) de Verulamio. De Dignitate et Augmentis Scientiarum; *donec corrigatur. Decret.* 3 *Apr.* 1669.

[†] Milton. Il Paradiso Perduto. Poema Inglese, tradotto in nostra lingua, da Paolo Rolli. *Decr.* 21 *Januarii* 1732.

[*] Copernicus, Nicolaus. De Revolutionibus Orbium Cœlestium; Libri VI. *nisi fuerint correcti juxta emendationem editam anno* 1620. *Decr.* 15 *Maii* 1620.

[†] Des Cartes Opera Philosophica; *donec corrigantur. Decr.* 20 *Nov.* 1663.

[‡] Galilei Galileo. Diologo sopra i due masimi Sisteme del Mondo Tolemaico, e Copernicano. *Decret.* 23 *Augusti* 1634.

Upon the subject of the works proscribed in the "Index", I will intrude no further on the attention of the House, than to say, that not only are all the Versions of the Scriptures, which may have been published by the British and Foreign Bible Society in any spoken language (quâvis vulgari linguâ), prohibited absolutely and universally, but in one of the latest additions to that "Index" (a single sheet, printed in 1820, and containing the works prohibited since the date of that Index in 1819), are two editions of the New Testament in Italian, both from the Vulgate; both by Martini, archbishop of Florence; both printed in Italy; and neither of them stated to have a single heretical note; but both alike proscribed, as unfit to be read. The prohibitory clause is as follows: the Pope (having recited the condemnation of the editions of the New Testament in question, of an English impression of the same book, and of seven other works, one of Medical Jurisprudence, one of Physiology), proceeds—"Itaque nemo cujuscunque gradus et conditionis prædicta opera damnata atque proscripta, quocumque loco et quocumque idiomate, aut in posterum edere, aut edita legere, vel retinere audeat, sub pœnis," &c. From the tyranny over the human mind thus exercised by the church of Rome, wherever it has power, I draw this conclusion, that, to give it new power any where would be most unsafe; and if it were given on the ground that the church of Rome has changed its character, would be most contrary to the evidence of facts. It has still the same grasping, dominant, exclusive, and intolerant character: it is weaker, indeed, than it was; but it carries with it every where the same mind. You have, indeed, shorn and bound the strong man; but, the secret of his strength is still upon him; and if, from whatever motive, you admit him into the sanctuary of your temple, beware lest the place and the opportunity should call that strength into action, and with all the original energies of his might restored for the occasion, he should pull down the temple of the constitution upon you, and bury you and your idols and himself in one common ruin.

The prohibitions which I have quoted are not, I repeat it, from old worm-eaten authorities: they were published not seven years ago, in Rome, by the last Pope. His own personal conduct accorded too much with the spirit of that book. Though he owned how large a share the heretics of England had in his restoration; though he owned specifically that it was the act of England which was the means of restoring to him all those treasures of ancient greatness, of which Rome had been deprived; though he was ever anxious to shew every personal kindness and attention to the English as individuals; though he was himself, as an hon. friend of mine described him to be, with some latitude indeed, a "Protestant Pope, and almost one of the best Protestants in Europe;" yet, so entirely did he *in Cathedrâ,* adopt the principles of his station; so little did he venture to deviate from the intolerance of his predecessors, that the English, in the day in which I was at Rome, seven years after the restoration of that Pope, had no place of worship recognised or tolerated in Rome.* I speak in the hearing of many members who must have been in Rome within the last ten years; and, without fear of contradiction, I assert, that though the English were *connived* at, when they went to the drawing-room of one of their own countrymen to have under his roof the comfort and advantage on Sundays of their own church-service, they were not *permitted* to have it; and when they wished to have a regular chapel, the permission was distinctly refused. The worship of the English Protestants at Rome was not only not licensed, it was not even tolerated—it was only connived at. Is this the proof that the spirit of the church of Rome is changed?—that it is more tolerant, more willing, and more fit, to be blended with Protestantism? Will the House believe, that the English, that the Protestants generally, had, when I was in Rome, four years ago, no space allowed them there, marked out and secured for themselves, where they could bury those members of their families whom it might be their misery to lose there? From consecrated ground they were excluded of course; but is it credible that they should not have been permitted to wall round, or to fence in that portion of the waste in which they were nevertheless allowed to cast their dead? If the right hon. gentleman, the Secretary of State for Foreign Affairs, had been present, I would have asked him, whether there be not in the archives of his office some representation, dated five or six years ago, on the part of the English in Rome, soliciting the interference of our government in obtaining for them a burying-ground of their own; or at least some security and sacredness to the spot now uninclosed and open to every other purpose? The fact is, that the intolerance of the see of Rome is as great as ever. The late Pope, good man as he was in many points, distinctly proved this, in that very curious work printed here thirteen years ago, containing his official correspondence, with Alquier and Miollis, when they seized the papal states in 1808.* The Pope himself was carried off a prisoner into France. While Buonaparte was meditating it, he still felt it right to submit, for the sanction of the Pope, certain articles relating, not to the universal church, but to the internal administration of France itself as it related to religion. One of those articles was, that all religions should be free.—"Que tous les cultes soient libres et publiquement exercés." The Pope answered as if he had been Julius 2nd or Sixtus 5th. He turns round to his cardinals, and tells them in words which no Protestant should ever forget—"We have rejected this article, as contrary to the canons, to the councils, to the Catholic religion, to the tranquillity of life, and to the welfare of the state."† In another rescript to the bishops in the same work,‡ he refers to the toleration of all sects actually granted in France under Buonaparte; and says that such alliance can no more consist with the Catholic church, than a concord with Christ and Belial. Let it always be recollected that this was in reference to an application from a sovereign on his throne, in the plenitude of his power, to a poor decrepid old man, whom he was about to carry off as a prisoner into the centre of France; that Buonaparte felt the spiritual power of the Pope, when he asked the exercise of it to confirm his own regulations for the internal government of France; and that the Pope showed the unchanging character of his church in refusing, even under such extremities, to yield one jot of its intolerant assumptions.

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* Letters on the Re-union of the Churches. Dublin 1824. p. 13.

† Letters on the Re-union of the Churches; p. 24.

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* Sir R. in a subsequent debate said, he had just been informed, that since he had visited Rome, a favourable change had taken place in respect both to the public worship of the English, and to the burying ground of the Protestants, but that in the year 1821, the facts were as he had stated.

* Relation de ce qui s'est passé à Rome dans l'Envahissement des Etats du St. Siège par les François. 3tom. Lond. 1812.

† Si pretende la libertà d'ogni culto con publico esercizio, e questo articolo siccome opposto à canoni ed ai concili, e alla religione cattolica, al quieto vivere, ed alla felicità dello stato, per le funeste consequenze che ne deriverebbero, lo abbiamo pure rigettato. *Relation,* tom. i., p. 42.

‡ Relation, tom. i. p. 193.

But it may be said, that this was all in the effete and worn-out soil of Europe. Take the seedling to another world; and see what a different fruit it will produce. But stop, in the first place, and mark what fruit it did produce, when the ground was newly turned up in Spain. By the constitution of the Cortes, it was enacted in respect to spiritual liberty as follows:—"The religion of the Spanish nation is, and shall be perpetually, the Roman Catholic, the only true religion. The nation protects it by wise and just laws, and prohibits the exercise of any other." The oath of the members of the Cortes was this—"I swear to defend and preserve the Catholic, Apostolic, and Roman religion, without admitting any other into the kingdom." Is the church of Rome here changed? Go across the Atlantic; what is the fundamental article in the constitution of the newest of the Roman Catholic states of the New World? I will not trust my recollection, but I will read a passage from the constitution of Mexico; it is nearly the same as that of the Cortes: "The religion of the state shall be the holy Roman Catholic and Apostolic church. The state protects it by just and salutary laws; and prohibits the exercise of any other." This is the act not of imperial, but of republican Mexico; it is the newest specimen of that kind of religious freedom which the members of the church of Rome will admit, even when taking the greatest care of their own civil rights. I might quote much about the Protestants in France, and the spirit of the Roman Catholic religion even there; still more about the Vaudois, against whom the king of Sardinia, on his restoration, re-enacted all the oppressive decrees which had been repealed during their subjection to France. I might quote not less as to the spirit of the Belgian church; but I trust, that I have already said enough to prove that the *semper eadem* of the Romish church is no vain boast; that that church is at this day as grasping, as despotic, as exclusive, as in those ages, which by an unnecessary courtesy to the present, so far as Rome is concerned, we call the dark ages.

Sir, I contend, that the evidence on which this alleged change in the Church of Rome is supposed to rest, upon the proof of which change we are told to relax all our securities against its former character, is itself so little trust-worthy on many other points, that no vital alteration in the constitution can safely or consistently be made on the testimony of such witnesses. I will not exhaust the patience of the House, by comparing the evidence of Dr. Doyle, before the committee, with his letters as J. K. L.; or the evidence of Mr. O'Connell before the committee, with the speeches of that gentleman before the Roman Catholic Association. I will, however, quote one or two passages from Dr. Doyle, comparing them with what he had said elsewhere; and I would appeal to the hon. and learned member for Winchelsea, or to the hon. and learned member for Peterborough, whether, if they had such a witness as Dr. Doyle in the box, who had in one place professed his respect for the Established Church, as next to his own, and his unwillingness even to touch her property if pressed on his acceptance, they would not ask him—"Pray, Dr. Doyle, do you not remember, in such a place, and before such and such people, saying,—that the religion of the establishment in Ireland must be divested of the plague of riches? Do you remember saying—'We shall see (the passage is in the twelve letters of J. K. L. p. 34, which I will proceed to read) whether this mighty Babylon can be suffered to exist;—whether this enormous mass of wealth can remain untouched in a country which has no exchequer, which cannot pay the interest of her debt, which has no public institution that is not sectarian; we shall see whether this *magnum latrocinium*, as it was called by Burke, be compatible with the exigencies of the state, the interest of the proprietors, and the peace or prosperity of the empire?'" And having compared the spirit of this passage with the spirit of his refusal to receive for the church of Rome any portion of the revenues of the establishment, I ask, whether the hon. and learned members would rest any case before a jury on the testimony of such a witness? Dr. Doyle was asked, if the Pope should interfere with the rights of the king, what would the Roman Catholic clergy do. His answer before the committee is—"We should oppose him by every means in our power, even by the exercise of our spiritual authority."* Now, I will suppose, that, this measure not being carried, the Pope should attempt to absolve from their allegiance the Roman Catholic subjects of Ireland, and a rebellion should break out. Hear Dr. Doyle, (I quote from the pamphlet which I hold in my hand, "Letters on the Re-union of the Churches," printed in Dublin last year). "If a rebellion were raging from Carrickfergus to Cape Clear, no sentence of excommunication would be fulminated by a Catholic prelate."† Will you believe him when he is writing this in his study in Carlow; or when he is answering leading questions, with a great object to gain, in a committee above stairs? Some of Mr. O'Connell's speeches and writings warn us sufficiently of the ulterior objects of the Roman Catholics, if they can gain power. I quote them for this object, and not to contrast them with his evidence. "Think you that I forgot," said he, in his letter to the Courier, 17th June, 1824, "the two millions of fertile acres which the clergy of the few enjoy, along with the tithes of all the rest of the land? Think you I forgot the church rates, which compel the famishing Catholic peasants to erect gorgeous churches for the clergy, that they may pray and preach in stately loneliness?" On the 13th January last, Mr. O'Connell gave us the history of the progress of the designs of the Roman Catholics; it is in a speech to the Association. "Nineteen years ago, no allusion to the Protestant establishment had been made in their petition. Once Mr. Scully had made an allusion to it; he was met by the frown of lord Fingal; and Hay was nearly handling the inkstand." He goes on to say, that he was glad that they had not got emancipation sooner; meaning, I suppose, that they had now strength to seize other and higher objects. "The Established Church was burthensome to the people, and did them no kind of good. He would be content that they should go to the Castle, and there receive what was thought fit; he protested against their going to the peasant's hut, and to taking, as had been on a former occasion stated, the blankets." At another meeting, he said, "the privilege of sitting in parliament was a privilege necessary to enable the Catholics to have a careful watch over the enormous expenditure of the church establishment." Is not this warning enough to us? Are these the men to whom it would be safe to intrust the care of our Protestant interests? Are these the men whom we would place in this House to legislate for the church of England? It is said that these passages all refer to the church of Ireland; that Dr. Doyle, in his evidence, has expressly limited his observations to the church of Ireland. Sir, there is no church of Ireland: the church of Ireland ceased to exist at the Union; it is now for ever one with the church of England: they form one undivided establishment: any attack on the one is an attack on the other: and that part which is in Ireland cannot be pulled down or undermined without shaking the English part to its foundation. Let not the establishment in England fondly believe that the church in Ireland can be destroyed, or even weakened, without a mortal injury to their own nearer interests: let not the people of England believe that a successful attack can be made upon the property of the church, whether in England or in Ireland, without endangering the security of all other property. The injury to the establishment in England, the danger to all other property, may be more or less remote; but, whether near or distant, it is alike inevitable from the day when power is once in any quarter familiarized with spoliation. Let neither the establishment nor the people of England believe that the church of Rome has changed, or can change her policy or her principles; that she is, or ever can be favourable, or even indifferent to our institutions; and that she may now at length be safely entrusted with the legislative care of our religion. Unless the evidence, even of our own contemporary experience, be fallacious (I have pledged myself not to appeal to history), the see of Rome is *at this day* hostile, not merely to the dignity and supremacy of the Protestant church in this empire, but to the toleration of any other church any where else: and the testimony before the Committee upon which a change to the contrary is assumed, and upon which this great innovation in our constitution is demanded, is utterly insufficient to justify us in incurring even the slightest of those hazards, with which, in my judgment, that innovation would be followed.

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* Evidence, House of Commons, p. 192.

† Letters, p. 4.

The next point which I shall endeavour to prove is, that the object which is to be sought with so much hazard, that object which has been so long and so clamorously sought under the name of Catholic Emancipation is of no value, comparatively, to *the mass* of those in whose name it is claimed. It is not easy to bring forward specific evidence from the people themselves to prove the fact; but in the first place, look at their condition as described by almost every witness; and see, whether to the great mass of the people (and we are continually told of the six millions who are interested in the question), the objects still withheld, seats in parliament, or on the bench, can be of any felt value? In the next place, let the people be allowed to speak by those who, at different periods, for the last thirty-three years, have represented themselves to be the great friends of the people. What said Dr. M'Nevin, one of the Irish Directory in 1798? A noble lord who was examining him before a committee of the House of Lords in Ireland, happened to hold a pen in his hand, and said, "Do you think the mass of the people in the provinces of Leinster, Munster, and Connaught care the value of this pen, or the drop of ink which it contains, for parliamentary reform, or Catholic Emancipation?"—"I am sure they do not."* This may, perhaps, be said to be an answer to too leading a question (not more leading, by the by, let me repeat, than the questions often put in the committee up stairs):—But what said Thomas Addis Emmett, another, I think, of the Irish Directory in 1798? "I believe the mass of the people do not care a feather for Catholic Emancipation, neither did they care for Parliamentary Reform till it was explained to them as leading to other objects."† What said Oliver Bond before the same committee of the Lords in Ireland? "Catholic Emancipation was a mere pretence in 1791 for the purpose of reform." In a second answer he closed his sentence with some memorable words: "I believe the mass of the people did not, and do not care for Parliamentary Reform; but those *who thought for them*, did."‡ Why do I quote these men? I quote them, because, like the Roman Catholic leaders of the present day, they would have been held at that time to have fairly represented the public mind in Ireland. Catholic Emancipation was on their lips; but it was not their real and ultimate object, as is shown in the evidence which I have quoted, given when they had no object to gain. I quote them for the purpose of showing that when the present leaders of the Roman Catholics in Ireland clamour so loudly for Catholic Emancipation, they also may have other and deeper objects in view. The truth is, that there has never been wanting in Ireland, a succession of men willing to be "the friends of the people," in the sense of Oliver Bond; men who raise the storm, and ride on it, who draw from the grievances of Ireland their own notoriety and consequence. Whether their names be M'Nevin, Emmett, or Oliver Bond; or some later and still living names to which I will not here refer, we may say to the people of Ireland—"Plebicolas istos vos vestrâ causâ excitare putatis? Concitati aut honori aut questui illis estis; qui vos nec in otio, nec in armis esse sinunt; qui cùm in concordiâ ordinum nullos se unquam esse vident, malæ rei quàm nullius seditionum ac turbarum duces esse volunt."

I contend that Catholic Emancipation will still leave discontented and dissatisfied *the few*, to whom it will nevertheless have been of real benefit. It will have opened to them some roads to honour as yet untrod; but you still leave enough to violate your own principle; you only remove the difficulty one or two steps further. You allow Mr. O'Connell to have a silk gown; you allow Mr. Charles Butler to sit upon the bench; but you will still exclude both of them from that which constitutes to a young and ardent mind the great hope and stimulus of the profession; you still for ever exclude him, and every one of his class in religion, from the chance of ever being lord chancellor; and when my honourable and learned friend (the member for Plympton) talked of the damp and chill given to generous ambition by the exclusion of the rising talents of the law from its higher elevations, I felt that, even by the bill of which he was, at the moment, the eloquent advocate, that exclusion is rendered only just so much the more marked, as it is perpetuated by the very friends of the Roman Catholics in a bill which they call the Relief Bill. So little would this measure in the course of nature satisfy those for whom it is more immediately intended. They would still be marked and branded; their religion would still be a religion not to be trusted, and if this measure be carried, I have no doubt, but that three years hence, we shall have the same associations; perhaps not the same orators, a Lawless instead of an O'Connell, at the head of the Irish Roman Catholics, and the same tales of grievances about Catholic millions being still excluded from being lord chancellor, and still being compelled to pay tithe to Protestant rectors, and rent to Protestant landlords.

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* House of Lords (Ireland) Committee of Secrecy, 1799, p. 43.

† Committee of Secrecy, p. 50.

‡ Committee of Secrecy, p. 52.

The truth is, that the whole of our constitution, as my honourable friend the member for Corfe Castle stated, is a system of securities and exclusions. In every instance in which we give power, we regulate it by age, by sex, by property; and I am yet to learn, why, in a question of the probabilities of human conduct, I ought not to have regard to the opinion also of the party to whom I am to give power; particularly when he tells me, that he will not regard my king in the light in which the constitution has placed him, viz. "as over all persons ecclesiastical as well as civil, in these his realms, supreme," but that he will regard another person, and him a foreign prince, as in these realms, and over one-half of human affairs supreme.

If I could consider these claims of the Roman Catholics, as claims of justice, founded either in abstract natural right, or in specific convention, whether treaty of Limerick, or articles of Union, I should be ashamed to resist a claim of right on any pretence of expediency. I feel it painful on many grounds to resist these demands. I feel this to be painful, but I hope that I should feel it to be intolerable, if I believed that their claims, so long urged, were founded in justice, and in abstract right; but, Sir, protection is the right of every member in civil society; power is the right of no man. No man has an abstract right to possess power in any community; it is the free gift of each community to each person, to each class; and on the principle on which the constitution of England, consisting indivisibly of Church and State, has refused to give power, except to those who support it so undivided, I entirely concur. That under the treaty of Limerick, or under the articles of Union, the Roman Catholics of Ireland have any claim whatever to the measure which they now demand, I am deliberately prepared to deny: the first article of the treaty shows that the object was, to give *toleration*, not *power*—"The Roman Catholics of this kingdom shall enjoy such privileges *in the exercise of their religion*, as are consistent with the laws of Ireland, &c." ——; but I have trespassed so long upon the indulgence of the House, that I am unwilling to enter at any length upon this branch of the subject. My right hon. friend, the Secretary of State for the Home Department, and others, have indeed discussed it fully and conclusively. I therefore will no longer intrude on the attention of the House. I admit with the hon. member for Armagh in his eloquent and influential speech on a former occasion, that we have only a choice of difficulties; every path is beset with dangers; but I think that it is the part of wisdom to keep, in such circumstances, to the path along which we have hitherto travelled, leading, as it has led us, to the greatest public freedom, and the greatest private happiness which have ever been combined, rather than to deviate into any other path, which, even on the admission of the guides, who pretend to know it best, may lead us further, and in a very different direction, from that in which we desire to go. For these reasons, Sir, and having heard nothing which has induced me to change the opinions which for many years I have held in private life on this question, I shall vote against the third reading of this bill.

Mr. *Horace Twiss* said, that although the opposition to this bill had been rested mainly on the ancient grounds, that the proposed alteration would be repugnant to the constitution, and upon that remarkable theory of the honourable member for Corfe Castle, that this constitution is in its genius exclusive, yet the friends of the bill had hitherto taken little notice of this line of argument; perhaps, because it had, in various ways, been often answered before, and had confined themselves almost wholly to topics of temporary interest and urgency. But, it would be to be regretted, if the country should thence infer that the advocates of concession had given way upon the main constitutional ground; and he would therefore solicit the observation of the House to one general constitutional view of the question, which he believed had not before been presented, at least, not connectedly, or in its clearest light.

Now, persuaded as he was, that the many humane and candid individuals who voted against this bill on the second reading, would not thus have impeded a measure, of which no man denies the vast importance to the whole Irish people, had it not been for a sincere belief, that great as are the present evils of Ireland, there would be a greater evil still in any breach of the constitution, he thought that the desideratum on the part of the Catholic population of Ireland, was no longer to make out a case of strong appeal to the feelings of the House, for as far as feelings were concerned, there had been enough to make the House unanimous in their favour; but the task required now, was, to satisfy the reason of the House, that in truth the opinion is absolutely a mistaken one, which assumes the exclusion of that body to be a principle of the British constitution. Now, in dealing with this, which was, therefore, the material question remaining on the bill, he would narrow the issue to one single point of the exclusive law; and that issue could not well be taken upon a point more convenient than the exclusion from parliament; because, that is the particular exclusion which the opposing party regard as the strongest in principle for their argument; and this should be practicable to make out the proposition, that even this exclusion from parliament was not of the essence of the constitution, it would hardly be pretended, that there was any thing essential in the exclusion from any of the minor franchises. It was, probably, a fact familiar to most of those whom he now addressed, that though several enactments existed for a century before the Revolution, imposing severe penalties upon popish recusants under certain circumstances, yet the only principle, regarding franchise or eligibility, that was known to the constitution down to the close of Charles the second's reign—a principle unqualified by any condition but the single one of acknowledging the political supremacy of our own sovereign, to which the Catholics, for the most part, have never been averse, was the common-law principle, as declared by lord Bacon, that "the subject that is natural born hath a competency or ability to all benefits whatsoever." When the parliament, therefore, in Charles the second's reign, enacted the tests which this bill proposed to repeal, and which tests, with some little modification of the oath under William and Mary, are at this day the bars to the entrance of Catholics into parliament, it was naturally thought requisite that a deviation so striking from the common-law principle of general eligibility, should be justified or at least explained, to the people of whom it disfranchised some hundreds of thousands, by setting forth, on the face of this statute of Car. 2nd, some statement of the then subsisting reasons for the exclusion. Now, if those original reasons, which may have been thoroughly valid and constitutional at the first, continued valid and constitutional still, then it might be true, that exclusion is a principle of the constitution, and ought not to be superseded by such a bill as the present. But, if those original reasons were spent and gone—if all their spirit has evaporated with time—then either it must be shown that other constitutional reasons have arisen since, which now supply their place; or it must be allowed that, with the extinction of the constitutional reasons for exclusion, the exclusion itself had lost its constitutional character, and merited support no longer [hear, hear!].

The makers of this statute of Car. 2nd, set forth in its preamble, that the divers good laws then in being against popery, had failed of their desired effects, by reason that popish recusants had access to court, and liberty to sit and vote in parliament. For the sake, therefore, of ensuring "the desired effects," by the removal of those two obstructions to the good laws against popery, as also for safety against the danger with which the popish plot was then supposed to be threatening king Charles and his government—for these two reasons (and these are all that the statute even alleged) the legislature proceeded, among other enactments, to provide for the exclusion of Catholics from the parliament as well as from the court. Now, upon this, the first thing which struck one's observation was, that this exclusion from parliament, instead of having been what very many suppose it, a regulation of a substantive character, intended to form a new era and a permanent principle in our constitution, was in truth enacted in the humble, secondary character of a help to the desired effect to the divers good laws then pre-existing against popery. Now, what did gentlemen suppose those divers good laws against popery are, which this especial help was thus introduced to invigorate? Something which we fondly cling to—which we religiously and affectionately act upon and revere? They are neither more nor less than the body of repealed pains and penalties [hear, hear!]—that body, which, after it had survived all the circumstances that perhaps in the 16th and 17th centuries may have justified its original creation, was decayed by time into disuse and very disgust, and lay for years a lifeless lump in our legislation; when parliament passed the act of 1791, the celebrated 31st of George the third, which buried the last remains of the nuisance, and removed it for ever from the nostrils of the people. That was the collection of divers good laws against popery, which, this preamble said, would fail of their desired effect, if papists were not forbidden to sit and vote in parliament! To preserve at this day, when parliament had swept away the code itself, a harsh restriction, which, by its own original preamble, affected no higher character than to have been subservient to that code, would, at best, be an absurdity—even if it did not involve a wrong. But it is a wrong, and in nothing more notoriously than in this—that, while the original preamble to the restriction keeps its prominent place upon the Statute book, setting forth, as its reason, a code of laws, now long since repealed and annulled, the restriction not merely keeps the birthright of our fellow subjects from them, but keeps it from them now upon a false pretence [hear!].

It was true, that the promotion of the divers good laws against popery, was only one of the two motives alleged in this preamble; for it adverted to another, and at that time a much more really influential cause, the danger, or rather the terror, of the Popish plot. Now, on this he would not say one single word, because, without meaning any disrespect to a certain well-known protest against the reversal of lord Stafford's attainder, he thought that danger so obsolete, that any man who should attempt now to revive an alarm about Catholic conspirators and popish lords, would enter upon his task at the risk not merely of refutation, but of ridicule. If Titus Oates himself were alive again, such a scheme would be a despair, even to his matchless and mendacious impudence. Aye, but it had been repeatedly said, and the argument had derived a value from its adoption by his right hon. friend, the Secretary of State for the Home Department; though Oates's history were a falsehood, yet there was another real and formidable plot against the government and religion of the country, detected from Coleman's Letters, and from Charles's secret treaties with Louis—a plot which justified, at least, though it may not have specifically induced, the strong measure of excluding papists from parliament. Let it be so: grant that this real plot did justify exclusion: grant even that both the plots were real: what mattered all these things to the present generation, who live in times so distant, that not only are all the conspirators with their conspiracies crumbled into dust, but the government itself, for whose safety against them this statute professed to provide, had been remodelled on a larger and a surer foundation; and the only surviving memorial, that such a danger was ever apprehended, was this irritating though futile remnant of restriction! The reasons assigned in the statute of Charles 2nd having both thus entirely ceased, the vindicator of the tests was driven to seek their constitutional title in such other reasons as might have arisen since. The principal of these ex-post facto reasons was, that the exclusion had been settled at the time of the Revolution. It was an article, the solicitor-general had said, in the compact of king William with the English leaders, in order to confirm the Protestant constitution of these realms. No: but in order to another object, doubtless very important while it lasted, but an object in its nature not quite so lasting—in order to confirm the new and not yet secure title of the prince and princess of Orange [hear, hear!]; in order to provide, at a juncture when almost every Catholic was a partisan of James, a test which, in the Papist, should detect the Jacobite [hear, hear!]. For this, the real object, there was no need that these invidious disqualifications should be prolonged beyond the secure completion of the royal settlement; and whenever the country should become secure, so also would become the constitution which had been planted in its soil.

But, the moment any one approached this part of the case, he was straightway warned off, as a sort of trespasser upon the constitution of 1688. Now, he would by no means speak loosely or lightly of any thing so enacted or sanctioned: all was done, he believed, for the very best at that time; but the modern mistake about the constitution, as then arranged, consisted in not distinguishing between its permanent principles and its temporary expedients. The permanent principle of the constitution was not that which had been stated by his hon. friend who had spoken last, but that which all our arrangements, both in and since the reign of king William, had concurred with a uniform tendency to establish, the principle, namely, that every individual subject, whatever his station, shall not only possess a perfect security for his person and property, but shall likewise hold the greatest proportion of public liberties and rights, which it can consist with the general welfare, that he be permitted to enjoy or to exercise [much cheering!]; and every measure seemed to him to be consistent or inconsistent with the constitution, not as it tallied with any written rule, whether laid down under the particular circumstances of 1825, or under the particular circumstances of 1688; but as it promoted or as it impeded that great general principle [hear, hear!].

Let those, then, who professed to be apprehensive for the constitution, first make sure that they understand it in its true sense; and then let them consider frankly, not whether the restriction to be repealed may once have been necessary to the constitution, because that he need not refuse to admit; but whether such a restriction was necessary now [hear, hear!]. Let them remember, that though actual equality of political privileges was an arrangement as impracticable as actual equality of private possessions, yet that constitution, after all, was the best and the safest, aye, for the higher classes as well as for the lower, which comes the nearest to that equalising principle—which allows, not indeed an equal possession of franchise, but an equal eligibility to possess it: and that it is precisely this near approach to that principle in our own constitution, which has given it its superiority over all others which the world has ever seen [hear, hear!]. There may be exceptions, no doubt, and properly, to almost any general political rule—exceptions of troubled periods, and exceptions as to dangerous individuals; but might it properly be, as in Ireland, that one million of the people should for ever be the rule, and five millions of the people for ever the exception? that the exception should permanently comprise five times as many cases as the rule? At this rate, had there not been some strange confusion of language? Was it sense to talk of the five millions of disfranchised subjects as the exceptions? Did not the five disfranchised millions then come by their very numbers to be the rule, and the one single million which has the franchise to be the exception? And, if that was the real result of the theory, if the doctrine established that disqualification was the common and general rule, and eligibility only the privileged and rare exception; if the argument thus construed the constitution to be the inheritance of only one man in every half-dozen, he ventured unequivocally to retort upon that doctrine the charge of unconstitutional tendency, and to affirm that the breach of allegiance to the constitution was not with those who would communicate it, and promote its growth, but with those who would cramp and curtail it.

It was time, then, for the House to disencumber itself of the obstinate error, that the men to whom we owed our constitution, while they left open the door to the Presbyterian, the hereditary opponent of monarchy, and to the sceptic, jealous of all religion, intended nevertheless that the exclusion of the sincerest and most loyal subject who might happen to be a Catholic, should outlast all the dangers and all the reasons by which at first, perhaps, that exclusion was justified. A private, but authentic narrative, related, that when the duke of Orleans, some time Regent of France, was about to engage in his service a gentleman whose mother was of the uncourtly religion of the Jansenists, the faction opposed to Jansenism, the Jesuits about Louis the fourteenth, remonstrated with the king upon the abomination that would ensue, if the duke should take a Jansenist into his retinue. The king took the alarm. "Why, nephew," said he, "what can you be thinking of, to take a Jansenist into your household?" "Sir," said the duke, with all appropriate humility, "I assure your majesty, the gentleman you suspect is no Jansenist; on the contrary, I have every reason to suspect that he is an utter disbeliever in all religion whatever." "Oh!" said the king, "that alters the case if you assure me that he is no Jansenist, and that the only thing to be said against his principles is, that he has no religion at all, I beg I may not be understood to have the smallest objection to your employing him" [much laughter]. It was likely enough that Louis so reasoned, and so expressed himself; but he protested against putting the sentiments of Louis the fourteenth into the mouth of William the third. He would shew that king William's principles were not chargeable with the inconsistencies imputed to them. It appeared, from the returns to parliament, in 1731, that in the earlier half of the last century, the whole Catholic population of Ireland was less than one million and one-third, and the number of Protestants between 7 and 800,000; and at the time of the Revolution, which was upwards of forty years before, the numbers were probably yet fewer. On a numeration so small, our ancestors might not unreasonably have considered that political dangers might justify the relative depression even of the majority of the whole people, when that majority exceeded the minority by only three or four hundred thousand persons. But, if those founders of our constitution were alive at this day, to see the Catholics, with other Dissenters, exceeding the Protestants of the Established Church by nearly five millions of souls, could it be thought, that in a state of facts so different, the law they would recommend would be the same? No: they would tell their country, according to the tenor of the principles, upon which their great names are founded, that to a surface so extensive a narrow rule must be inapplicable: that political inequalities, however occasionally justifiable upon a small scale, become intolerable and impossible upon a large one: and that the mere physical operation of things, the mere swelling of the stream of population, must hurry, of itself, irresistibly forward, to burst all those weak embankments, and lay waste the land which it should be forbidden to enrich. I listen to you, therefore, gladly, said the hon. gentleman, when you refer me to your ancestors; I allow and I admire the model; all I ask is, that we may avoid servility in studying it; that we may construe their code, not with a literal minuteness, but as its great authors would have written it had they been writing now; that we may no longer pore blindly upon the letter of their laws, but rise to the spirit of their legislation.

Why, then, what became of the feeble assertion, that the founders of the constitution of 1688, having recognized and re-enacted the exclusive tests, should be therefore understood as having intended to bequeath exclusion as a lasting component of their system? Was it meant that every statute against popery which was made before the Revolution, and which the parliament of king William did not repeal, or only altered a little, which was the most that could be said of this statute of Charles the second—was it meant even that every statute against popery which king William and his parliament themselves originated, had thereby become, *ipso facto*, a fundamental law, for ever exempt from abrogation or change? That seemed too large an assumption for the loosest understanding to admit; especially after the unceremonious way in which not only the older enactments, the divers good laws against popery, but even their offspring, the laws of king William's own reign, were dealt with by the tolerating act of his late majesty, among whose very few human failings, a coldness toward the Protestant religion was certainly never even imputed. Gentlemen who relied on the inviolability of all the anti-catholic provisions that were arranged or acquiesced in at the time of the Revolution, might find themselves ensnared into difficulties which a mischief-loving papist would not take a little diversion to behold them struggling withal. The very first parliament under king William most seriously enacted—ludicrous as such a provision might now appear—that two justices of peace, from time to time, might search a recusant Catholic's house and premises to see if he possessed—what will it be supposed? Arms? No. Treasonable papers? No. Treatises of dangerous divinity? No—but to see if he possessed any horse of more than *5l.* value; and, moreover, that any friend of that Catholic, assisting in the concealment of such unconstitutional popish nag, should be liable, not only to pecuniary penalties, but likewise to three months' imprisonment. Now, on the principles of some gentlemen, this law, for the exclusion of papists from the Turf, was just as rightfully an unalterable feature of the constitution, though a feature not quite so prominent, as the law for the exclusion of papists from parliament: nay, if there were any difference in point of authority between the two, the horse law had rather the highest pretension, because it originated under king William himself, in the very year of our great Revolution. When, in 1791, the parliament revoked the power of the magistracy to tender the test, they thereby virtually abrogated also the penal enactments upon the horse-owner who should refuse to take it; and we had hitherto supposed, that they had done that very judiciously; but, from the argument now under consideration, which he did not see how the hon. member for Corfe Castle could help adopting, who made exclusion his hobby, it should seem that parliament made no small mistake, in thereby dismantling one of the bulwarks of the constitution; that it would have been happier, if, in 1791, some cautious patriot had whispered his too easy country, that she should keep the "equo ne credite" more steadfastly in view—that she was bound by her constitution to preserve all her establishments exclusively Protestant, down even to her very racks and mangers. It was now, he feared, too late. The stable door had been imprudently thrown open to the insidious Pope; and though we had him still debarred from the mansion house, he was nestled irremoveably in the hay-loft [laughter and cheers].

If, then, there was no general immunity for all the laws left standing by king William's parliaments, was there any thing about this statute of Charles the second in particular, to distinguish it from its cotemporary laws, and endow it with a special charter of unalterability? Why, it had been already altered, time after time. First by the statute of William and Mary, which had remoulded the section, prescribing the oath! a second time, by a statute of George 2nd, which had repealed the material section, requiring tests from the royal household; a third time, by the 31st of George 3rd, which had repealed the still more important section, whereby papists were once excluded from court; so that there had actually, by this time, been more taken away than left standing of that great constitutional protection, which we were still told it would be destruction to us to break in upon, or even to touch [hear!].

But, gentlemen imagined they had entrenched themselves on a still stronger ground of constitutional principle, when they argued, that the reasons assigned for this bill would lead to the extent of releasing our sovereigns, as well as our parliaments, from any test of their Protestant faith. If a test be necessary as a safeguard for our Protestant throne, why, ask they, is it not equally necessary for the safeguard of our Protestant parliament? To that question he would answer—and it was one perpetually put as if it were unanswerable—the reason why you may exclude a Catholic from the throne, consistently with your admission of him into parliament, is this: that though the essentially Protestant principle of the constitution, which required, that not only on the whole, but that in each of its three branches, the legislature be Protestant, would not be affected in any conceivable degree by the admission of half a score Catholics into a body of several hundred Protestants, whose aggregate character those Catholics would be so much too few to change, or even to modify, yet that Protestant principle would be not merely endangered, but absolutely destroyed, if you were to fill the supreme place, which in its nature only a single individual can fill, with an individual who should not be Protestant. One Catholic would change the whole character of the Crown; while fifty Catholics would no more make any change in the character of the parliament, than fifty admirals or colonels would convert it to a council of war. That, in one word, was the reason why no inconsistency was chargeable on the proposal of admitting a few Catholics into a Protestant parliament, which would equally continue to be Protestant still, and yet excluding any Catholic from that Protestant throne, which his single accession would reduce to be Protestant no longer [hear, hear!].

Now, if the old reasons for exclusion had ceased, he begged the House to observe, to what point they were in danger of being led by the argument for the continuance of restrictions proceeding on the ground of their original necessity. It was only in this very parliament that his right hon. friend the Secretary for the Home Department, had entitled himself to the public thanks by his prompt and vigorous co-operation with the government of Ireland, in applying a legislative check to the temporary disorders of that kingdom. By that check, the whole political benefit of the British constitution was taken, for a necessary season, from our Irish fellow subjects. That necessity was very generally felt: no strenuous resistance was offered by the great body of opposition. The measure was renewed for a single year at a time, till at length its necessity was happily at an end. But, what would the House have said to a British minister, who, instead of allowing the remedy to cease with the disorder, as his right hon. friend had done, should have ventured to propose that this disfranchising enactment, vitally requisite as it was to Ireland under flagrant rebellion, should be prolonged for all time to come, and consecrated as a canon of the constitution? Who would have consented that the painful resorts of our necessity should thus be strained into the rules of our life? And yet, precisely such a policy it was, only less harshly glaring, because mellowed a little by age, which the perpetuators of the tests would have us uphold, not merely, as in the Irish case, against a promiscuous mass of what are now called pauper freeholders, but against those individuals who, if any class of our fellow subjects might, without indecorum, be presumed less open than the rest to possibility of disaffection, would be peculiarly entitled to the benefit of that presumption—holders of the greatest stake—occupiers of the highest station—royalists by ancient remembrance and the bond of a common adversity—and, more than all, by the honourable, even if mistaken politics, of that tory religion for which yet their brother tories would reject them! Not that, if we turned to our history, we should find that the cause of civil liberty had wanted its champions among the Catholics. He was bound, indeed, to admit, that if Catholics were really dangerous subjects at this day, little argument of a constitutional tenor could be raised for admitting them into the legislature, from the mere fact that in other and dissimilar times the charter of our liberties was won by Catholics: just as, on the other hand, he was entitled to insist, that if the Catholic of this day is not a dangerous subject, the misdeeds of his ancestors in certain dark and widely different ages, afford no constitutional plea for his disfranchisement now [hear, hear!]. But, at all events, it would be fair to say, apply your measure equally—if you visit upon the Catholic the sins of his fathers, beyond even the third or the fourth generation, do not bar him from his interest in his father's deservings [hear, hear!]. When the striking fact was first pointed out, that of the Baronies, by whose lords Magna Charta was acquired from king John, the only four now extant as baronies are in the tenure of Catholic peers; that fact he apprehended was appealed to by the noble member for Aylesbury less in argument, than as a matter of feeling. But it did become a question of argument, and of very serious argument too, what impression of the constitution you were producing upon your people, if you were thus to tell one vast body of them, that in their entire case, the constitution had for ever repealed that great law of nature, and of all civilized society, which had made the merits of the parent a transmissible inheritance to his children—if you were thus to tell them, that while the state expected the services of all her subjects, her constitution had cut off one of the strongest of all human inducements to serve her [hear, hear, hear!]? What zeal (said the hon. gentleman) do you think would have been felt for your liberties by those Howards, and Talbots, and Arundels, and Cliffords, who won not only your original charter under John, but its repeated confirmations and enlargements in subsequent reigns, while a Catholic nobleman was yet under no incapacity to labour in the cause of our common country—With what heart would they have risked, as they did, their lands and their lives, to lay the first groundworks of that constitution, beneath whose shelter it is your pride to dwell, if they had dreamed that a time was to come when their posterity, and the posterity, of Catholics like themselves, alone of all the nobility, of these kingdoms, must be shut out without an accuser, without a crime, without even a surviving suspicion, from the threshold of its protection and its privilege [repeated cheering]?

If, then, all the ancient reasons for restriction were thus extinct, as well those which operated in earlier times as those which had been assigned in the statute of Charles the 2nd, and in the arrangements of the Revolution, insomuch that the law of exclusion could stand no longer upon them, but must rest, if at all, upon other reasons of a more modern necessity to the constitution, then he presumed to say, that upon principle the supporters of the tests were now precisely in the same situation in which they would be, if, with the expiration of the old reasons, the old law itself had expired also, and they were now introducing a bill to renew it for a further term. He had listened in vain, through many a debate, for any suggestion of danger or inconvenience from the abrogation of the tests, which could possibly be urged in favour of a proposal for renewing them if expired. He was not surprised that no such suggestion had been offered: for, indeed, what appropriate ground—nay, what plausible topic, even of those which once and long were popular, would the proposer of such a renewal be now in a condition, with common gravity, to dilate upon? Not the danger of a popish pretender, from the issue of king James; there survived no such aspirant. Any dispute, or even disputableness, in the royal succession? The Crown had been uninterruptedly transmitted through six successive demises.—The ambition of an over-reaching pontiff? The dim reflection of her classic antiquity was all the lustre that now remained to Rome.—The project long imputed to the Catholics, for recovering the forfeited estates? He would not ask the House to disbelieve the imputation, because the Catholics themselves denied that design; not because the proposed measure would afford them no facilities for that design; nor yet because the obliterating hand of time had made that design impracticable, by effacing four-fifths of the forfeited titles,—but because the leading classes of the Catholics themselves had become extensively the purchasers of the forfeited lands [hear, hear!], and whatever interest therefore they might formerly have had in promoting the dreaded transfer, the same interest they had now in preventing it, whether to magnify their clergy, or to glut their brethren of the laity [hear, hear!]. Would the renovator of the tests then enlarge upon the probable numbers of the Catholics in parliament, and the influence which those numbers would carry with them? Those numbers, and the probable influence they would carry, would stand in about the proportion which one bears to sixty-five or seventy. But, his hon. friend the under Secretary (Mr. Dawson), in one of the ablest speeches he ever remembered to have heard on this subject, had expressed his apprehension, that a legislature chequered with Catholics, would follow the ancient example of Tyrconnel's popish parliament; a parliament which his hon. friend had described indeed to be so very popish, that it contained only eight Protestants in the House of Commons, and not more than ten in the House of Peers. When he inveighed (continued Mr. Twiss) against the bigotry of that popish parliament with its little sprinkling of Protestants, I could not forbear thinking as he proceeded, that bigotted as they were, at all events they did not exclude those few Protestants for the difference of their religious faith [hear, hear!]. And, when he went on to relate how that Catholic majority upheld and advanced its own Catholic faith, unheeding and unchecked by the handful of Protestants in its number, the inference forced itself upon my mind, that in like manner a Protestant parliament now, would be very little impeded in the maintenance of its Protestant faith, by a similar admixture of Catholics [much cheering]. But, his hon. friend dreaded the insincerity of that religion; and the persecuting spirit which he supposed peculiar to the Catholic religion. Sir (said Mr. Twiss), I venture, though I believe this is an unpopular doctrine, to deny altogether the imputation, that persecution is at all more a-kin to the Catholic than to most other of the many religions which in different ages have been what we call established—that is, connected with the ruling powers of the state [hear, hear!]. Take, for example, the persecutions upon the two main questions which these very tests involve—the nature of the Lord's supper, and the supremacy of the Pope. Henry the eighth will afford a fair illustration, because he was an active partisan upon both these points. He persecuted furiously for the Catholic opinions respecting the nature of the Sacrament: that you will attribute to his breeding up in popery. But he persecuted just as furiously against the supremacy of the Pope; was it popery that prompted him to that? Bishop Bonner committed his murders on behalf of the Catholic faith; and you will say it was popery that spurred him on; but was it popery too that led Cranmer to burn men alive for the Protestant faith? Or, when Trajan set the aqueducts of pagan Rome afloat in Christian blood, was there any pope in the plot, with Apollo and with Jupiter [hear, hear!]? Whatever may have been the motives of the manifold persecutions which, in various ages, have vexed the world, and I believe they have much oftener been motives of a political than of a religious character, however religion may have served to gloss them, I am satisfied, that the danger of their recurrence has passed away for ever [hear, hear]. Persecution was endured in other days, from the same ignorance on the part of the people, as to their own just rights and physical powers, which induced them to put up with its kindred evil, political oppressions; but, if a new Henry, or a new Mary, or a new Elizabeth, were to arise in these days, we should no more allow them to give their bishops commissions for burning us, than we should let them arm their privy councils with arbitrary powers to imprison and fine [hear!].

But, there were some, who not fearing much in our days from the faggot or the rack, were yet unrecovered from the apprehensions excited by the associations in Ireland: gentlemen who, having previously inclined to a liberal course, were now induced to withhold their support, by the notable fallacy, that concession ought not to be made this year, lest the House should seem to have been frightened into a vote. If, after the angry demonstrations of those bodies, the House had hurried then, for the first time, to a vote of concession, there might have been some colour for the imputation of timidity: but bearing in mind, that bill after bill for the relief of the Catholics had passed this House in this very parliament, and failed only in another stage, he begged to ask which symptom, after this, would be more indicative of fear—to hold steadfastly on in the adopted line, without heed to the passing alarms of the day, or to abandon the course thus deliberately chosen and pursued, because there had been a little agitation in the wind? He would put it individually to every member of those majorities which had hitherto carried the question through this House, which course would afford to his constituents and to the world the better assurance of his firmness, that he should maintain his consistency by his votes on this question, or that, in an access of panic, he should retract and upset the mature resolves of years [hear hear!]? Before gentlemen, who had previously supported this measure, should resolve to abandon it now rather than risk the imputation of fear, he begged them to consider, whether, if there be any such a thing as being frightened into a vote, there may not also be such a thing as being frightened out of it? He begged them to consider, whether their credit for courage would stand much higher, if they should be called on to make their election, and act, at the same time (as come that time must, if ever war should break out again) when Ireland, arming in the general excitement, should hold her weapons ready to be guided, as the policy of England should guide them, either for our defence, or, which God avert, for our dismemberment [loud cheering]. England would relieve her then, and better then than never. But, he would have no man flatter himself with the delusion, that the concessions which he might subscribe with a drawn sword at his throat would ever be set down as the result of any very fearless, philosophical deliberation on his part [cheers].

Besides, as to the fears imputed from these recent associations, they could never be imputed again; for the associations themselves, the source of the fear, had ceased to exist. Ireland, the quarter of the empire most largely and directly to be affected by the proposed concessions, had for some time past been so free from her wonted disturbance and distress, that in the annual balance of our affairs, which was graciously communicated from the throne to parliament, that kingdom had this year, for the first time, he believed, within the memory of man, been carried to the credit side of the public account. Even the act for suppressing her political societies—which, however, on the ground of necessity, it might be justified, could certainly never be regarded there as gracious—even that law had been followed, on the part of the Catholics as well as of their opponents, by the most peaceful and implicit acquiescence. He had a right, therefore, to argue, that the danger of the associations was over: if it was not—if the act for suppressing them had not removed the danger—if it was not to have the effect of restoring security and confidence, that highly penal act had been obtained from parliament under a delusion. He was sure his right hon. friend, the secretary for Ireland, would not tell him that—would not tell him that it had been any other than a measure of safety as well as of necessity. Necessary he believed it to have been; because he felt that the leaders of the Catholic population were the more dangerous, inasmuch as the grievances which they harped upon, and perhaps exaggerated, were, in no small proportion, actual and real—but, he must say, that after thus putting down the exaggerators of the grievances, the least that parliament could do now was, to put down the grievances themselves [hear hear!]. And if the Catholic religion had been, as some alleged, too often made the cloak of dangerous designs against the state, a cloak which they were resolved they would not encourage any subject of this realm to wear—could they believe, after the experience of so many unhappy years, that theirs was a policy which would be likely to induce him to cast that cloak aside? The very fables of our childhood would teach a sounder wisdom. They would tell how the wayfaring man, who, when assailed by the tempest, gathered the folds of his garment but the more closely about him, relaxed before the kindly influences of a gentler sun, and opened his bosom to its warmth [cheering].

The weapons of the anti-catholic party were not always of the temper which a prudent combatant would desire to wield; but there was one topic of theirs which he could not forbear to borrow, he meant that favourite suggestion about the great extent to which concession had already been carried in favour of the still vexed, still unsatisfied, Catholics. No doubt concession had been made to a great extent—that was precisely his argument—and the larger the boons which parliament had granted, and the oftener parliament had granted them, the more it made for his case. For, wherefore had they granted so much to the Catholics? Not, of course from fear; not, undoubtedly, from favour; but because on each single occasion, when, as trustees of the public safety, parliament had felt themselves justified in sanctioning some fresh concession in the series, the circumstances upon which they acted, the visible effects of previous boons upon the behaviour of the Catholics, had been such as to satisfy reasonable men that each new concession respectively would be free from any danger to the public weal; so that each of the consecutive relaxations, instead of being an argument against more, had, in truth, been a successful experiment; showing how completely the welfare of the state, the only legitimate test of any penal or exclusive legislation, may consist, and has long consisted, with even a progressive concession [hear, hear!].

Under these circumstances, he heartily congratulated the hon. baronet, the mover of this proceeding, on the time at which it had been his good fortune, and he would presume to add, his good judgment, to urge the bill to its present stage. Again and again, when measures had been proposed for restoring our Catholic fellow-subjects to their place in the constitution, it had been said, that they had mistaken their time—that though the principle might be sound, the season at all events was unsuitable. And the people of this country, always unapt to entertain abstract constitutional considerations, were slowest of all to admit the participation of new associates in their political rights; so that the honest pride which they felt in the possession of those rights had, perhaps, heretofore been a little too exclusive. But, the repeated discussions and investigations in and out of parliament, had at length let in the light; the better informed classes of the people no longer allowed themselves to be overcast by the cloud of petitions, compelled from all the usual quarters, but not now, as formerly, unanswered by others of a larger and more liberal tenor; insomuch, that an opinion had gone abroad, how well founded, he would not stay to inquire, but undoubtedly, a very general belief, as men are prone to believe what they wish, that the success which had hitherto attended the Catholics here, was to speed the present bill through another House of parliament. The grounds of that opinion he did not know; but this he did know, that it was an opinion tending powerfully to work out its own fulfilment—that when once the more enlightened classes of the people had become persuaded that parliament was likely to grant a particular relief, because it was a relief which parliament ought to grant, the time was not very far off when that relief would be granted. If then, in any former debate, any adversary of the Catholics had gained himself a momentary triumph, by objecting that the time was inconvenient—that there were wars raging abroad, or disturbances at home—that there were dangerous demagogues on that side of the water, or popular alarms against popery on this—to any such adversary the hon. baronet was entitled to say. "Our turn is come now to make a vantage ground of time. The wars you told us of have subsided into the profoundest peace; instead of the disturbances you used to dwell upon, we have tranquillity and industry, and competence round about us; the agitators of Ireland are silenced by the law; and if, since their suppression, voices are yet heard in support of the Catholic cause, they are the voices of the people of England that you hear." Unless, therefore, gentlemen would venture to put their case upon the issue that no time could ever be fit for reinstating their fellow-subjects in the constitution—a length which he remembered to have heard no less firm an anti-catholic than Mr. Perceval in that place declare that he at least would not venture to go—unless they were prepared to put the original principle of the constitution to a violent death, in order that they might render this favourite exception immortal; he would now take his stand before them upon the auspicious character of the present time, and claim from them an equalization, which now not only every general principle, but every reason of temporary expediency were alike combining to recommend and to enforce [hear, hear!].

He trusted he had now made the proposition with which he began, namely, that the constitution to which gentlemen had appealed was not of the exclusive character which they would impute to it; that the dangers which might once have existed as constitutional reasons for exclusion were altogether at an end; and that no others had arisen since to supply their place. And these considerations had the greater force, because, even if the Catholics were proved to entertain any, or all of the objects which had often been imputed to them, no man had yet uttered one single syllable to show in what manner the proposed relaxation would assist in advancing their energies. Nay, on the contrary, it should seem that parliament would be diminishing the power of the Catholics by removing the sympathy with their wrongs [hear, hear!].

After trespassing so long on the indulgence of the House, there was only one other consideration which, before he should sit down, he wished to offer to their notice, because it was materially connected with the view which he had taken of this debate. And, when he should state the source from which he drew it, he trusted it would be some authority against the harsh doctrine, that a severe law, necessary once, must be necessary for ever. He quoted it from no Catholic rescript—from no speculative tract upon political or upon religious liberty; but he quoted it from the Statute-book of the realm: from a statute too, not made in the vacillating Protestantism of Henry 8th, not in the blood-thirsty spleen of Philip and Mary—not even in the bold liberality of Elizabeth—but made in the reasonably ancient, and unexceptionably Protestant reign of the Sixth Edward. It was the Statute 1 Ed. 6th, chap. 12, the great Constitutional act, which abrogated all the persecuting laws, "concerning religion or opinions," which cut off the new-fangled treasons and restored the law of Edward 3rd; and which repealed that enormous statute of Henry 8th, whereby the proclamations of the king had been invested with the authority of an act of parliament. After reciting, that "rebellion and insurrection, and such mischiefs had made it necessary to enact laws which might appear to men of exterior realms (for even then it was that foreigners had their eyes on our religious dissensions), and many of the king's subjects, very strait, sore, extreme, and terrible, although they were then, when they were made, not without great consideration and policy moved and established, and for the time very expedient and necessary;" the preamble to this important statute concludes, as he would do, in the following words—"But as in tempest or winter one course and garment is convenient, in calm or warm weather a more liberal case or lighter garment, both may and ought to be followed and used; so we have seen divers strait and sore laws made in one parliament, the time so requiring, in a more calm and quiet reign of another prince by the like authority, and parliament repealed and taken away: the which most high clemency and royal example the king's highness willing to follow, is contented and pleased that the severity of certain laws be mitigated and remitted, upon trust that his subjects will not abuse the same, but rather be encouraged thereby more faithfully, and with more diligence (if it may be) and care for his majesty, to serve his highness."—The hon. and learned gentleman sat down amid loud and repeated cheering from all sides of the House.

Mr. *Hart Davis* said, he was anxious to address the House not only from a feeling of the importance of the subject before them, but because of the deep interest which his constituents had always manifested in regard to it. The main question rested on this foundation; namely, that the British Constitution was essentially Protestant, and that it was therefore necessary to have a Protestant king. Under these premises, it would be a waste of time to endeavour to prove the necessity of both Houses of parliament being Protestant. The advocates for the Roman Catholic claims allowed that the constitution was Protestant, and that it was not only necessary to have a Protestant king on the Throne, but that the king's advisers should be Protestant, and that the great offices of State must be filled by Protestants. If this were so, he would contend, that the Roman Catholics would still not be placed on the footing of equality with Protestants; and he asked, what reason had we to believe that they would be more satisfied with the present concessions than with those which had already been granted them? Would the Catholic clergy be satisfied without sharing the property of the Protestant Church of Ireland? The very reluctant consent which was given by the Roman Catholic bishops to the proposal for granting stipendiary allowances to the Catholic clergy would seem to give a decided answer to this question. When Roman Catholics were allowed to sit in parliament, and in the privy council, what security could the king have that he would be upheld in any measures which he might deem vitally necessary for the security of the Protestant church and state? Was it decent or just, that parliament should expect the king to be a Protestant, whilst they gave him Roman Catholic counsellors? Was the king the only man in his dominions who was to be bound down by the severest penalty to a particular form of worship? Was the Roman Catholic religion now, or had it ever been so little encroaching in its general character, that it might safely be trusted with any portion of political power in the confidence that it would never be abused? On this latter point, it was his unqualified belief, that the Catholics would never be satisfied until they had first been placed on a footing of entire equality with the Protestants; and subsequently, he feared they would struggle hard for the superiority. He would, therefore, resist their encroachments to the utmost, by refusing to give them any increased political power. Let them have toleration to the utmost extent to which it could be granted with safety to the state; but, if the country was to have a Protestant king, let them maintain also a Protestant parliament, in order to hand down to their posterity that pure and undefiled religion, and those liberties and privileges, which they had received from their forefathers. He had read much on the subject, and had heard all that had been said upon it in the House for more than twenty years; yet, his opinions were unchanged, and he must, consequently deprecate the passing of this measure. He put it to the advocates for the Catholic claims, whether it would be prudent to make concessions at that moment, after the House had been so lately bearded by the association in Dublin. He should give his hearty dissent to the third reading of the bill, confident that he was thereby serving the best interests of his country.

Mr. *C. Grant* said, he was not disposed to go at any great length into the discussion of the present question, after the able manner in which it had been already argued. The subject was now nearly exhausted; but, without going into the general details, he could not resist the opportunity of stating his opinion of its necessity, for the sake of the tranquillity of Ireland. He regretted that the question had been viewed with so little reference to its effect upon the condition of that country—that Ireland, the great element in the consideration of the case, had been so little alluded to. It was to all intents an Irish question. Its chief bearing was upon that country. He was sorry, therefore, that his hon. friend (sir R. H. Inglis) had not grappled with the question—how were they to deal with Ireland, if this bill was not passed? This was the real, the most important point for the consideration of the House; and he would beg to ask any honourable member prepared to give his vote against this bill, what was to be done with Ireland in case of its rejection? Some honourable members seemed to think, that a partial concession would secure the tranquillity of that country—that the eligibility of a few Catholic barristers to the honour of a silk gown would have that effect: but, when they had to deal with six millions of people, seeking for the restoration of their civil rights, it was a mockery to rest upon a point of this kind. It was not on this point that the supporters of the bill rested. They took their ground on the broad constitutional principle, that every man should be admitted to an eligibility to that rank and office which he might claim as a British subject. The opponents of the measure made their stand on the exception to that principle. He was not bound, as a supporter of the general principle, to answer all the objections, which rested on consequences resulting from the exception; but, he would ask the supporters of the exception, what had they done to secure the tranquillity of Ireland? Had they succeeded to the extent, that they might now rely with confidence in the affection of the people of that country? He contended that, as long as the present exclusive system lasted, no firm reliance could be placed on the duration of the tranquillity of Ireland. But, some honourable gentlemen founded their objections to an alteration of the existing system, on the very evils which it had produced. It was said, that the Irish people were not contented—that they would never become so, under any modification of the laws. He would ask those honourable members, had they ever attempted to make them contented? Had any attempt been made to remove the cause of the discontent? Why, then, should its continuance be urged against an amelioration of the condition of the Irish people? One objection to the present bill, which had fallen from the last speaker, rather surprised him. It was asked, would it not be a hardship on the king, that he must be Protestant, while the counsellors by whom he was surrounded might be Catholic? But, he in turn, would ask, was not that the case already? The king, by the act of settlement, must necessarily be Protestant; and that must continue to be the law, whether the present bill passed or not. Another objection was, that the bill would sanction a communication between the Pope and the Catholic clergy of this country; and that then Protestants could not take that part of the oath of supremacy, which said, that the Pope had not nor ought to have any ecclesiastical authority within these realms. But, that communication was recognized by the act which tolerated Catholic prelates and priests in this country. It was recognised by the establishment of Maynooth college, in Ireland; in which, though there were Protestant visitors to inspect the general regulations, the Catholic visitors alone could direct and regulate the doctrine and discipline, as far as related to matters of religion, and those Catholic visitors, many of them prelates, were known to be in constant communication with the see of Rome. As to the other part of the objection, which related to the oath of supremacy, he would ask, in what sense did honourable members already take that oath? Could any man deny that the Pope had some spiritual authority within those realms; and would it be contended, that such authority would cease to exist if this bill was rejected?—The right hon. gentleman then proceeded to observe, that it seemed to be forgotten that we had hitherto been legislating for the people of Ireland, as for men quite passive—not as for a nation of sensitive beings, who had feelings and passions like other men, and who were more bound by feelings of attachment for kindness conferred, than by coercion; that we lost sight of the moral influence of the penal laws, which were calculated to degrade those on whom they operated: and that, when it was objected to any enlightened foreigner, that the government of his country had not accommodated itself to the more liberal spirit of the age, his ready answer was, "Look at the state in which you keep Ireland." From such degradation he would wish to have Ireland emancipated. He would also wish to see the English nation and the English legislature freed from the stain which had so long rested on them, by the continuance of the penal code.—As to the objection, founded upon the writings of Dr. Doyle, under the signature of "J. K. L.," he thought it was unjust as against the principle of this measure. He did not stand there as a defender of those writings. On the contrary, he regretted that a prelate of his great piety and extensive learning should have suffered his zeal to have hurried him beyond what his more mature judgment might not approve. He was sorry that to the zeal and energy of a Bossuet, he had not joined the meekness and charity of a Fenelon. But, when he made this observation, he could not forget that there was a great distinction to be drawn between the cool and frank communication between friend and friend, and the feelings of an indignant writer describing the wrongs of his country. The House were bound to consider the extent of the provocation. For some time back, scarcely a day passed over, in which the press and the pulpit did not teem with accusations against the Catholics, charging them with the most improper conduct, assailing their religion, and ascribing to them principles and actions which they detested just as sincerely as he did. He lamented very much that provocations should have been given to call forth this indignant retort, as much as he deplored those legislative enactments, fixing a stigma on the Catholics on account of their religious faith, and branding them as persons undeserving the smallest confidence, and unfit for the enjoyment of those privileges which were accessible by all the sectarians. It had been argued, that this measure would not affect the great body of the people of Ireland. Was it nothing, he begged to ask, that the religion of that great body should be branded with a stigma—that its professors should be constantly held up as unworthy to be trusted with any office or place of trust under the government of which they were subjects? These were circumstances deeply felt by all; even by those who could not expect to be directly benefitted by a change in the system. They created a feeling of discontent and dissatisfaction common to all classes.

> "Spiritus intus alit, totamque infusa per artus
> Mens agitat molem, et magno se corpore miscet."

He would trespass on the attention of the House for a few moments longer, while he stated his impression of the necessity of this measure from his own experience. His earliest conviction had been in favour of Catholic emancipation; but when he commenced his official career in Ireland, he was told there that that opinion would give way to his more extended knowledge of the people of that country. It was urged, that his first impression was the result of the warmth and ardour of youth, but that it would be corrected by the knowledge and experience which his official situation would enable him to acquire. These matters were so often and so earnestly urged, that he began to suspect he had imbibed a very wrong notion, in his advocacy of the Catholic claims. However, he did acquire further information and more extensive knowledge of the Irish people, and of the real condition in which they were placed; and the result was, that though they might have mellowed his former feelings, they still served to confirm them. He saw in Ireland—and it convinced him of the delicate situation in which any government must stand in that country as long as emancipation was delayed—that the penal laws had placed an almost insuperable bar between the government and the great body of the people—that they took away that union between the governors and governed, so essential to the purposes of good government—that they destroyed that sympathy with the people which was felt in this country, and which produced a due respect for the laws, and those by whom they were administered. The penal code rendered England almost blind to the true situation of Ireland. Her dark side was turned towards us; and we had to grope our way in the dark, to the immense mass, formidable, as Mr. Burke observed "by the very activity of its inertness." But, the population of Ireland was not an inert mass. It was active, and sensibly alive to all the sufferings it had undergone—to all the indignities under which it still laboured. He had found in the course of his experience, that what remained of the penal code was enough to destroy every thing like security, but that it was omnipotent for all the purposes of insult and injury. It threw the great body of the people into opposition to the government; removed them from the fair influence of the aristocracy and landed property; and placed them under that of the clergy, (which he did not mean to deny, if well regulated, would be found eminently useful)—in many instances placed them under the control of the incendiary and assassin, and in others forced the common people to exercise a wild and ferocious justice on the laws themselves. We had acted as if Ireland was not in a fit state for enjoying the benefits of the constitution of England. But why was she not so? We had dealt out hitherto only the severities of that constitution to her. The laws there were in a constant paroxysm of exertion—in a state of habitual effort; which in this country was only the result of occasional necessity. We had passed the Insurrection act, the Arms bill, the Convention act, and other coercive measures of that kind, for the purpose of repressing or punishing outrage. He did not mean to contend that those acts were unnecessary: on the contrary, he took his stand on that necessity. It was on the ground that such violent measures were so frequently called for under the present system, that he now called for a change of that system. He wished the House to try what would be the effect of a system of conciliation. Every thing, for a long series of years in Ireland, had been subjected to the operation of oppressive legislative restrictions. The arts, manufactures, and commerce of that country had been long suffering under a pernicious system of laws. Those laws were now happily removed, to the great advantage of both countries. The penal code, the worst of all, was the only one suffered to remain. Would the House assent that improvement should take place in every thing but the moral and political condition of the people of Ireland? He had heard objections to the conduct and opinions of some members of the Catholic church in Ireland. He had found in that church, as there might be found in all churches, individuals who carried their opinions to extremes; but he had also met those among the Catholic clergy whose conduct would do honour to any Protestant community. Amongst others, he might mention Dr. Everard, the late titular archbishop of Cashel. It gave him great satisfaction to be able to inform the House, that that reverend gentleman had lived on terms of almost fraternal unanimity with the Protestant archbishop of that place. Though they were both zealous friends of the religion which they respectively professed, they lived on terms of the most uninterrupted intimacy, and governed their flocks with the greatest harmony, under the principles of that common Christianity which would be much promoted by the success of the present measure.—He contended that there was nothing in the Catholic religion which prevented a professor of it from being a good subject to a Protestant prince; and in proof of his position, called the attention of the House to the fact, that, though several Catholics, headed by the duke of Guise, had opposed the accession of Henry 4th., then a Protestant, to the crown of France, others of them had zealously supported that monarch's claim to it, under the belief, that he was the sovereign destined by Providence to rule over them. When he heard it stated in that House, that the Roman Catholics were incapable of a right perception, and that every honourable and generous sentiment was confined to the breast of the Protestant, in answer to such unfounded charges, with the permission of the House, he would read an extract from the preface of Thuanus, to his History of Henry 4th. wherein he observes.—"Nempe ad cetera quibus hoc infestum virtuti seculum scatet mala, religionis dissidium accessit, quod jam toto pene seculo, orbem Christianum continuis motibus vexat et deinceps vexabit, nisi tempestiva remedia, atque adeo alia quam quæ hactenus adhibita sunt, ab iis quorum precipue interest, adhibeantur." He then went on to remark what he wished the House particularly to attend to. "Nam experientiâ satis edocti sumus, ferrum, flammas, exilia, proscriptiones irritasse potiùs quam sanâsse morbum menti inhœrentem ad quem proinde curandum, non iis quæ in corpus tantum penetrant, sed doctrinâ et sedula institutione quæ in animum leniter instillata descendit opus esse." This language, as beautiful as it was true, proceeded from a Roman Catholic author, who wrote several centuries ago, and was abundantly sufficient to refute the unqualified charges which had been so absurdly raised against the Catholics. It was the duty of the legislature to surround the Catholic population with such kind and genial influences as would make them not only faithful subjects, but render them good members of society. In supporting the measure then before the House, and advocating the cause of the Catholics, he wished to guard himself from the charge of indifference to the Protestant religion. He detested that principle which would not suffer you to shew charity to people of opposite opinions, without imputing a dereliction of duty. Every thing which he heard—every thing which he had seen—gave prognostic of the future success of the measure on which they were then legislating. It might, by circumstances, be delayed a year or two, but it must ultimately pass. He saw light breaking in upon Ireland through a thousand avenues; every measure that advanced its interests, every relaxation of unjust principles, were so many facilities to Catholic emancipation. He therefore called upon the House most earnestly to render that boon which the progress of knowledge and of religious charity, and the anxiety of the public for the improvement of Ireland, showed must ultimately be granted, delightful and acceptable to those on whom it was to be conferred, by not postponing it to any distant period [cheers].

The *Solicitor-General* commenced his speech by adverting to the miraculous conversion of the hon. member for Armagh from a bitter enemy into a warm advocate for Catholic emancipation. He noticed the reasons which that hon. member had given for his conversion, and stated, that they were by no means strong enough to produce a similar change in his mind. He contrasted the extemporaneous evidence of Dr. Doyle before the committees, with the deliberate writings of that individual under the signature of J. K. L., and stated, that with all the respect that he felt for a Catholic bishop, he could not believe him as a witness, when he heard him uttering sentiments directly in the teeth of all that he had written. In Dr. Doyle's opinion, a possession of forty years would create a title in lands sequestrated from the church, Here was a direct admission that, if the House of Commons confiscated a part of the property of the church, it only required a lapse of forty years to establish a title in it. So that the effect of this bill would be, to bring a certain portion of Roman Catholics into the House, who would according to their religion, be justified in seeking a part of the Protestant church property. The church, to be sure, might remonstrate. But, what of that? The title would be good in forty years, and she had only to sit down under the loss. The three measures of Catholic emancipation, of the elective franchise bill, and of the proposed establishment for the Catholic clergy, were so blended together, that he could not oppose the first without saying a few words in condemnation of the other measure. With regard to the elective franchise bill, he would declare that it was one of the most unconstitutional measures he had ever heard of. The defenders of it said that it was made an adjunct to the Catholic Relief bill, in order to conciliate Ireland. Good God! to conciliate Ireland! Was the admission of lord Fingall and of Mr. O'Connell to parliament—was the emancipation of the patrician and equestrian orders of the Catholics from the disabilities under which they laboured, calculated to reconcile the general mass of its population to the loss of one of its best and dearest privileges? He would ask the hon. baronet who had brought forward the measure now under the discussion of the House, whether he would consent, for any measure which would benefit the splendid shopkeepers of Bond-street, to disfranchise the baker, the butcher, the tailor, the tinker, et hoc genus omne, who lived in the city, which that hon. baronet had the honour to represent? What did the hon. baronet suppose would be the result, if it were attempted to disfranchise the chimney-sweepers, who, as the hon. baronet well knew, lived in the blind alleys of Westminster, while the shopkeepers and higher orders of the inhabitants were allowed to retain their rights? It was stated, that the elective franchise bill was rendered necessary by the splitting of freeholds which took place in Ireland: but, was Ireland the only part of the empire where such practices took place? Had the hon. baronet never heard of such practices at Brentford? Was property worth only 40*l*. a-year split into numerous votes in no other country but Ireland? True it was, that such a system might be productive of much fraud and perjury; but it was not on account of morality, it was not on account of religion, it was not on account of the amelioration it would create among the mass of the people, that the supporters of the elective franchise bill wanted to disfranchise the 40*s*. freeholders; but on account of the political advantages which the passing of it would bestow on the higher ranks of the Catholics. The character which he would give to the elective franchise bill was contained in two words—it was magnum latrocinium [hear, hear]. He could not conjecture by what means Mr. O'Connell could make it palatable to the lower orders of his countrymen. That, however, was Mr. O'Connell's concern, not his; but he could conjecture, that a dialogue of the following nature might ensue between that gentleman and some of the peasantry, whose disfranchisement he had advised:—"Well, Mr. O'Connell, what have you got for us by your journey to England?"—"Oh," Mr. O'Connell might reply, "the duke of Norfolk is to sit in parliament; lord Fingall is to sit in parliament; I may have a silk gown, and may sit in parliament if I am elected."—"This is all very good," the peasant might reply, "but now that you have told us what you have got, pray tell us what we have got."—"You have got!" Mr. O'Connell might reply, "O, you have got a great deal; you have got—well robbed" [a laugh]. He would repeat over and over again, that this bill committed a most flagitious robbery on the rights of the people; and he for one would never consent to give privileges to one class of men, and, uno flatu, to take them from another. He concurred most warmly in the opposition which his learned friends the members for Winchelsea and Nottingham, had given to this measure. He knew that on all occasions he and his learned friends were not men of whom it might be said, "Et cantare pares et respondere parati." He was therefore upon this occasion particularly glad to avail himself of their support. In his apprehension a more unconstitutional measure had never been attempted since the grand forfeiture of the charters before the Revolution. He did not pretend to be a man of deeper research than his neighbours; but this he would say, that after all the research he had made, he could find no case in our annals which formed a parallel to the present. The case of the borough of Nottingham, where the county magistrates were let in to a share of the jurisdiction, which had formerly been exclusively possessed by the magistrates of the corporation, was the only case to which it could be at all assimilated. There was, however, a plausible pretext for that infraction on the rights of the corporate officers of the borough of Nottingham. They had failed to quell certain riots which had occurred within their jurisdiction; and their corrupt conduct, therefore, served as an excuse for the punishment inflicted upon them. No borough had ever yet been disfranchised, without due investigation of the charges brought against it, and without a considerable mass of evidence being taken upon oath to substantiate them. And yet the House was now precipitately going to disfranchise half the voters of Ireland, upon evidence of the most conflicting and unsatisfactory nature; without having got any two individuals whom it had examined, to agree as to the qualification which the freeholders of Ireland were hereafter to possess.—Having said thus much on the elective franchise bill, he would now proceed to the resolution relative to the proposed remuneration of the Catholic clergy. By that resolution they had determined to establish a papal church, armed with all the jurisdiction belonging to papacy. He thought that the House could not be aware how large, how extensive, how perfectly intolerable that jurisdiction was. Were honourable gentlemen aware, that the rite of baptism, the rite of marriage, the rite of sacrament, the rite of entering the church, that of confirmation, that of receiving charity, and that of burial, were all spiritual rites, which could be withheld or not, according to the will of the clergy? Supposing them to be withheld, what relief could the Irish Catholic receive? If the House gave the title of bishops to any of the Catholic clergy, along with the title they must give them all the spiritual jurisdiction of their church. And, if they did give them such jurisdiction, how could they provide against the abuse of it? He threw these points out to the consideration of the House, and trusted that they would not be without their due weight in this discussion. Connected with this subject was the form of oath to be taken by the Catholic bishops of Ireland. Why did these bishops refuse to take the same oath as was taken by the Catholic bishops of Spain? The bishops of that country admitted the supremacy of the sovereign in the oath which they took on their investiture; for in their oath was this clause, "salvis regalibus, et usitatis consuetudinibus et totâ subjectione domini Ferdinandi." Why could not the bishops of Ireland swear with a similar salvo? He complained that there had been a considerable doctoring with the oath to be taken by these prelates. It was different in the bill of 1816, in the bill of 1821, and again in the present bill. He could not say that the present form of it was auctior than it had previously been, because it was shorter; nor emendatior, because it was less correct.—The hon. and learned gentleman went on to describe the jealousy with which the policy of the French government watched the conduct and correspondence of a nuncio resident within their territory, and the regulations by which they secured to the chief officers of government the inspection of his communications from and to Rome, as well after his departure as during his stay. Such was the caution used in a Catholic state in admitting any emissaries or delegates from that dangerous power—a state, too, which took care previously to secure itself as much as possible, by retaining for the crown of France, against all the papal pretensions, the right of nominating its own bishops. There was no Catholic state in Europe—not even Spain, where the abominable tribunal of the Inquisition prevailed—that did not show something of a corresponding jealousy, in its regulations of the intercourse between the clergy and the see of Rome—that did not compel, by some means, a recognition of the right of the government to keep the ecclesiastics in submission and subjection to the secular power. The term securities, though a word of mere cant as now used, was ridiculous in its application to the present rude and vague law. What security could there be in a commission of Popish bishops, empowered to inspect all communications from Rome, and report thereon to the privy council? What security would there be for abuses in the Treasury, if, instead of those continual checks put upon the financial administration by the House and its members, the chancellor of the Exchequer could prevail upon parliament to appoint instead thereof, a commission to inspect the affairs of the Treasury, composed of four lords of the Treasury? Would not the constituents of the hon. baronet twit him with the fallacy, if he were to propose no better securities for the administration of the money of the nation? Yet, such was his provision for the protection of the national religion. He would not reason gravely upon such securities. A man of sense would be ashamed to throw away the powder and shot of a good argument upon so wretched a proposition. These were not the penalties provided by Mr. Grattan, illustrious alike for his enlightened views and his patriotism, in his bill; nor by his right hon. and learned friend, the Attorney-general for Ireland, in the bill which he brought in. Those bills did carry the principle, that the state must have the opportunity of viewing all documents coming from that quarter; and the power of inspection was given to the great officers of state accordingly. But, it was said that the Catholic religion prohibited the exposure of those sacred documents to the unhallowed eyes of laymen. Not so thought the French government, which, from Henry 4th down to the present time, had always secured for the lay-officers of state that power of inspection. Under the Revolutionary government the same right was claimed; and Napoleon Buonaparte, during his reign, enforced the old law of France, which gave the right of inspecting all such documents. He objected to this measure itself, and to the two other measures which were called its adjuncts or wings.—Though it was hoped these wings would support it in its ærial flight, he trusted they would melt, like those of Icarus, and bring it to the ground.—It had been said, that they must not look to old calendars or musty records, for the doctrines and practice of the Roman Catholic church—that times had altered with the spirit of the age. But, what was the practice of that church at present? Would his hon. and learned—he was about to say his right reverend friend (Mr. Brougham)—such an advocate for free inquiry, and the spread of knowledge—would he legalise a jurisdiction, the principle of which was to prevent the people from reading the Scriptures, or hearing them read in the vernacular tongue? [Here the hon. and learned gentleman read a letter from the present Pope, stating the evils which the perusal of the Scriptures was calculated to produce on uneducated minds, and throwing some derision on Bible Societies.] He saw around him many gentlemen who belonged to such societies. Those who exerted themselves in circulating the Scriptures, were treated in the letter as a sort of strollers. They were called delirantes homines; so that every person was deemed delirans homo who contributed his money or his exertions to the meritorious work of placing the sacred volume in the hands of all who were capable of reading. This he looked upon as nothing less than a libel on the people of England. The established church was not called in this document "Ecclesia Angliæ," but, by a sort of nickname, Protestantism.—His right hon. friend (Mr. C. Grant) in that able and eloquent speech which he had just delivered, contended that, as there no longer existed any Pretender to the Crown of these realms, the motive for the exclusion of Roman Catholics no longer existed. In this, he differed from his right hon. friend. As to the public feeling upon the subject, there were 253 petitions against Catholic concession, and 54 in its favour. This, he thought, was a pretty strong proof of the sentiments out of doors [no, no!]. The gentlemen opposite might say, that they had made no exertions to procure petitions. He was entitled to assume the same, upon the part of those who had presented adverse petitions. It was also said, that the majority of the petitions was from clergymen. This was not the case; as but 66 of them were clerical. Acting under the dictates of his conscience, and to the best of his judgment, he felt bound to oppose the measure. He could not follow the example of the respectable member for Armagh. He could never renounce his old errors of Protestantism. As to the wings of the bill, the moral one for the disfranchisement of the freeholders must fail; and as a constitutional lawyer, "so help him God," he must, upon conscience and conviction, oppose it to the utmost. The ecclesiastical adjunct of the bill for paying the clergy, was, if possible, more objectionable. Parliament never could consent to vote money for the purpose of bending down six millions of people in a degrading and dishonourable slavery to a spiritual thraldom, which assumed the power of excommunication and eternal perdition, if its victims were only to venture to read the word of God, or to offer up their prayers to him, without leave first obtained of a priest. He would, therefore, conclude, by moving an amendment, "That the bill be read a third time this day six months."

Mr. *Huskisson* said, that after the ample, frequent, and, above all, the able discussions this question had received—after the powerful and interesting speech made by his hon. and learned friend who had just sat down, the greater part of which referred to the subject which occupied their attention last night—he felt he owed to the House some apology for trespassing upon them at all; but it might afford gentlemen some satisfaction to be assured that he would confine himself to the smallest bound of discussion upon the subject. It was, however, impossible for him to give a silent vote upon a question of such importance. With regard to those events which were gone by, there were no circumstances of his long parliamentary life which he could review with more sincere pleasure and satisfaction than the conscientious votes which he had given, upon many occasions for the restoration of the Catholics to their constitutional rights, and for the partial or total repeal of those disabilities under which they laboured. The motive of this conduct was not because he would extend more favour to Catholics than he would to others; and he would now state, that, with all deference to the talent and ability displayed by the hon. baronet, the member for Dundalk, he could scarcely help supposing, when he heard the hon. baronet's arguments, that the question was, whether the Catholic religion was to be established, or merely to be tolerated by the law of the land. He had nothing whatever to do with the spirit, or the tenets, or the doctrines of that religion. In the practices and intentions of the Romish hierarchy he could see nothing to dread were they even wickedly inclined. He owed the Catholics no favour whatever. He differed from many members in that respect. He was under no political obligation of any kind to them; but, he owed it to justice to vote for the removal of their disabilities. He thought it but justice that those penalties and disabilities which afflicted them should be removed, when the evils for which they were supposed to be the remedy had ceased to exist. This feeling alone would influence his vote; but he also thought he owed it to his country to support the measure, for other important reasons. By withholding the privileges sought for, we should be acting dangerously, as we retarded the prosperity of the country, in time of peace; by so doing we rendered that peace less permanent and secure: and when war occurred, we impaired our resources and divided and distracted the energies of the country when they ought to be brought, by a common effort, to act against the common enemy. He would not enter much at large into this part of the subject; but he could not refrain from observing that the objections made by the hon. and learned Solicitor-general to the bill brought in by the hon. member for Stafford, and to the present measure were not upon broad grounds. His objection merely went to this—that the securities offered were not satisfactory. If this were the case others could be introduced. He had not heard that the constitution would fail, if the measure were carried. The other objections went also to matters of detail, and did not involve any general principle. He would not attempt to enter into that principle at present; and if he felt disposed to do so, he did not see how it was within his power. The discussion upon the general principle had been long exhausted. All that historical learning and constitutional research could supply—every appeal that ingenuity and eloquence could make to the generosity and justice of the House—we had been brought to the consideration of the question, and with a degree of success, which he trusted, would now attend it. He would, therefore, waive the investigation of the principle, and apply his attention to the pressing and urgent nature of the subject, as it affected Ireland. And, though he thought the claims of the English Catholics were powerful and cogent in justice and in reason, yet as compared with those of the Catholics of Ireland, he considered them comparatively unimportant; and that, but for the situation of Ireland, they would be easily adjusted. He was free to admit, that in a country possessing a Protestant establishment, such a number of Catholics as existed in Ireland was an evil of great magnitude. It was an evil, speaking generally, but it was attended with peculiar circumstances, as affecting Ireland. The government of this country had, at a former period, imported thither the Protestant religion. The transfer of the church property to the ministers of the reformed religion was not accompanied with the transfer of the feelings, affections, or religious belief of the inhabitants. Still, the act of union, following in the stream of time, confirmed that property in the religion of the state, and it was now irrecoverable. This was wisely done: because, to shake the inviolability of the church property, or that of any other kind, was to affect the stability of all property, and thereby to subvert the foundations of all civil order and good government. He now would ask the House that question which he was in the habit of asking himself, when he came to the consideration of the subject—What is the nature of that evil to be considered: is it such that it will wear itself out; will it increase day after day; and has it at present attained such a portentous size, that it must of necessity endanger the peace and tranquillity of the country?—This was the practical question which he asked of himself. And the next question he asked was—Since this evil existed year after year, what was the remedy which parliament ought to apply? It was a good old dictum of that House; that there was no political evil of such a magnitude, that parliament was not bound and was not able to find a remedy! He was also aware that the same question was asked by some hon. members opposed to the question, and who came to a conclusion, that something ought to be done. He would now ask them what that something ought to be? He would ask them, did they hope for the conversion of all the Roman Catholics to the Protestant church? He wished to God such an expectation could be realized. It would, in his opinion, be a source of advantage and benefit to the state. But such was an idle expectation—it was too visionary for discussion. Of this he was sure, that if there was a chance for individual conversion by the exertion of individual zeal, such chance was destroyed, as long as we shut the door against freedom of discussion, and by our pains and penalties and disabilities, checked the light which might be diffused from the knowledge of Protestant doctrines. The Catholics would not remain in their present situation. It was impossible, when we took into consideration their increasing numbers in wealth; when we reflected upon the diffusion of knowledge especially amongst the higher classes, who devoted themselves to professions. They were encouraged in their claims by the example of other countries—by the sympathy and approbation they experienced from many of the Protestants of this country—by the majority of this House, exclusively Protestant—and by a considerable number of the members of the other House. The hope that they would, under such circumstances, desist from their claims, would be, if possible, more visionary than the expectation of their general conversion.—He would now come to his other question, and ask what should be done for the removal of those dangers which threatened Ireland? And here he would assume for the sake of argument, that danger was to be apprehended from this great change in our laws and institutions. He would descend into the particulars of that danger. In what did it consist? Was it such a one as men of firm and manly minds, accustomed to the difficulties inseparable from legislation, would not shrink from; or was it such as was calculated to appal men who were not afraid of ordinary difficulties? It was, in his opinion, a truth that danger arose from comparison; and in this case, the course leading to the least should be adopted. Twenty-five years had elapsed since the time of the Union; and during that period the attention of the House had been often called to the consideration of this question; and the House, as in duty bound, had applied all its attention to the subject. They knew, as they ought to know, the difficulties attending it. Those who had not the benefit of local knowledge, had opportunities of being informed, from the testimony of various members who took a part in the discussion; of men who were not prevented by a want of nerve from looking difficulties in the face. Look to the opinion of the gallant member for Westmeath. He tells you, that he had violent prejudices upon the subject; that it was with the utmost reluctance he surrendered them. He tells you of the danger of the present state of things; and that if the measure be not granted, it cannot be postponed. He knows from his habits of life, the value of 10,000 well-disciplined troops; and he tells you, that if this question be carried, you will do more for the peace of Ireland, than you can effect by an augmentation of your forces to that extent. Upon this part of the subject he would not give any opinion. He considered it in a moral and political point of view. By far the greater loss which the country experienced in consequence of these restrictions on the Roman Catholics was occasioned—and this was a fact which gentlemen who were accustomed to discuss questions of political economy would do well particularly to consider—by the loss of all the benefit that might, under other circumstances, be derived from the employment of millions of English capital in Ireland, which must now be considered as so many millions diverted and withdrawn from all those channels of industry and improvement which they might have so beneficially opened or enlarged. He was one of those who unquestionably would have rejoiced if the measure of Catholic emancipation had been granted at the time of voting the union of the two countries. But, whatever had, subsequently to the union, been the misfortunes and troubles of Ireland, it could not be denied that she had been, in the same period, going on increasing in wealth and power, and in intelligent and educated classes. There were, in fine, a great many more existing circumstances now, than there were five-and twenty years ago, to enable Ireland to receive the boon which she claimed with advantage to herself; and the danger of withholding that boon, on the other hand, was proportionably increased, compared with what the danger of doing so would have been at a period five-and-twenty years back. The Catholics came before parliament as supplicants for admission to a participation of all those civil rights and privileges which were enjoyed by all other classes of the king's subjects; and in this their supplication, they were backed by a large portion of the intelligence and influence of the Protestant community, both in England and Ireland. It was this very circumstance of their being so supported, that made a further denial of these claims highly dangerous. There seemed to be some hon. gentlemen who supposed that the Roman Catholic's perpetual meditation—his dream by night and his anxiety by day—was, how he might most effectually plan the overthrow of the Protestant establishment as it now existed. Now, what was it that the Roman Catholics were at that moment asking? To be admitted within the pale of a Protestant political society. Could it, then, be imagined, that, the moment they should succeed in getting within it, their exertions would be turned to the destruction of that shelter and protection which they had so strenuously exerted themselves to attain? But, suppose the fears of honourable gentlemen should unfortunately ever be verified, as he heartily believed they never could or would be so—suppose that the Roman Catholics manifested any such hostile intentions; could it be doubted what course we should be called on to pursue? Would they any longer stand in the situation of supplicants for rights—in that situation which now constituted the moral strength of their case? No! but they would stand in the altered situation of aggressors—of aggressors against the constitution of the state, against the constitution of the church, against every establishment that formed our guard and security, and supplied the basis of our power. Unless, therefore, the House could suppose the Roman Catholics to be the most desperately foolish, as well as the most desperately wicked people in the world, it could not entertain fears of this description. Yet, if such a fatal result should ever, indeed, take place; he was, on the present occasion, prepared to say, that he, for one, would go the full length of re-enacting the whole penal code against the Catholics—a code, however, of which he must say he could not see the necessity of many of its enactments, which rather, in truth, were calculated to excite that irritation in Ireland, that was ever most likely to occasion the discontents that it was sought to repress. His right hon. friend, the Secretary of State for the Home Department, had intimated, that he thought some concessions ought to be made to the Roman Catholics. His right hon. friend was not, therefore, one of those opponents who thought that the civil exclusions now existing ought to exist for ever. His right hon. friend's objections were understood to be to their admission to the bench, the privy council, and to seats in parliament. His right hon. friend would excuse him for remarking, that he seemed to forget that it was almost impossible for an individual to obtain a seat in the council, except through the channel of one, or both Houses of parliament. It was only in this way that he could obtain an ascendancy in the councils of the country. His right hon. friend did, indeed, suppose the extreme case, that a Catholic might be possessed of such transcendant abilities and such a weight of character, that he might guide, and influence the deliberative councils of the nation. It was, of course, impossible to deny the possible existence of such an event; but it should be coupled with the existence of other circumstances of such an extraordinary description, as to make its occurrence a bare possibility. The individual alluded to by his right hon. friend, must possess such abilities as would make him an object of danger. He must be also a bigot. His mind must be debased, and subdued by the worst doctrines of the church of Rome. He must be a hypocrite, gifted with powers of the most profound dissimulation, such as would enable him to impose upon the House, and escape the vigilance of the press, and of the other free institutions of the country. He must, in short, possess such a combination of qualities as were never exercised by any individual who ever endeavoured to obtain authority through the medium of a popular assembly. If there were such an individual, he would say—let him come into the House. They always had, and always would have a standard, by which they could measure the abilities and talents of any person whatever. A person thus endowed would, in that House, be taught to move in his proper orbit, in his legitimate sphere would describe that circle for which he was best calculated. When he was expelled and hurried out of that House, he would be converted—as was often the case in Ireland—into a blazing and eccentric comet, disappearing for a season, and occasionally returning to desolate that country and terrify this.—With regard to the societies which had been suppressed in Ireland, their spirit would, he thought, still remain. It would start up in some other shape; it would perpetuate discord, foster faction, render the law inefficient for the protection of property, make the government powerless, and the population a prey to anarchy and confusion. How, then, it might be asked, were such associations to be dealt with? How could they be effectually dealt with, except by removing the cause of grievance? Sorry he was to trespass so largely on the patience of the House; but this was the first, and he trusted it would now be the last, opportunity that had presented itself to him for the delivery of his sentiments on the principle of this bill. The hon. member for Durham had rather reflected upon the improper way in which he conceived that the two bills, which he called the two wings, had been treated and prepared in the preliminary stages of their progress, prior to their being brought up before the House. But, he now begged to state, on the part both of himself and of his right hon. friend, the Secretary of State for Foreign Affairs, whose absence on such an occasion as this, and particularly on account of its cause, the House must deeply regret, that neither of them had been present at any of those previous discussions of the two measures; and he was authorized to say, that his right hon. friend knew nothing of either of the bills in question, until the notice of the hon. member for Stafford of the elective franchise bill, and the notice of the noble lord (L. Gower) in respect of the other, first brought them both to the knowledge of his right hon. friend. For his own part, he believed that both bills were intended to aid and accelerate the great measure of Catholic emancipation. As to the bill for disfranchising the 40*s.* freeholders, he could not quite say that he altogether approved of its principle. In voting for the other, he had intended to give it his sanction only up to this point and to this extent—that as this House held the public purse, and was bound to provide for the expenses of the public service, so he should hold it was, to provide for the effectual operation and results of a measure which, by granting Catholic emancipation, would be calculated to produce such incalculable benefits to the community, over which the parties in question might fairly be supposed to exercise so extensive an influence. But, when his right hon. friend talked about the making provision for a regular establishment, for archbishops, bishops, and an inferior clergy, as a concomitant to the bill for Roman Catholic emancipation, he begged to say that he stood pledged to no such provisions whatever. He thought, indeed, that it would require much previous inquiry and consideration, before they could proceed to make any provision for the Catholic clergy by law. And he should be unwilling—as far as he could judge now upon a subject so complicated and difficult, and mixed up with many other considerations that would be fully gone into before any definitive plan was acted upon—to place that provision, whatever it might be, beyond the control of government; in the same manner as was observed towards the Protestant dissenters and other separatists from the church of England. To the bill itself now before the House, he gave his most cordial support.

Mr. Secretary *Peel* said, he intended to address but a very few words to the House on this occasion. He was sure the House would, in the first place, allow him to advert to something which had fallen, in the course of the debate on Friday last, from the hon. and learned member for Winchelsea. They would allow him to do so, out of regard to the situation and the feelings of the writer of a letter which he held in his hand. It came from the widow of the late Dr. O'Byrne, the bishop of Meath, whose name had been alluded to particularly on Friday night. That lady desired him to state distinctly, in answer to the observations in question, that the bishop, her late husband, never was an ordained priest of the church of Rome. He had been brought up as a Roman Catholic, and so continued until he was about 20 years of age; when, seeing reason to enter the Protestant church, he went to Cambridge. At that university, Dr. Watson was his tutor, and he was ordained, for the first time, a deacon of the Protestant established church, and some little time subsequently, a minister of the church of England.—Having set this matter right, he would proceed to observe that he felt satisfied that he had already offered every opposition to this measure which he could offer, consistently with the principles on which his objections to it were founded. It seemed, therefore, useless for him to detain the House on the present occasion; nor did he think it necessary to do so with the view of bringing forward any novelties on this subject, which, on the contrary, he was unable to find. His opinions on this most momentous subject were already on record; and it would be trifling with that indulgence which the House had shown towards him on other occasions, if he were merely to repeat now what he had so often advanced to them before. He merely wished to take that opportunity of re-stating that the opinions he had formerly held on this question remained unaltered. Those opinions were not precisely in conformity with some that had fallen from gentlemen who were hostile, like himself, to the general question of Catholic emancipation; for he could not concur with those who thought that no further concessions whatever ought to be made to the Catholics, seeing that he had decidedly and distinctly declared his conviction, that in all respects the Roman Catholics of England should be put on the same footing as those of Ireland—an opinion that he had avowed, by the support which he had given to a bill, introduced by a noble lord, on the other side during the last session. But, he was still of his former opinion, that it was for the permanent interest of this country that the legislature and the chief executive offices of the state should be confined, as they were at present confined by law, to those who protested against the doctrine of the church of Rome. Indeed, when he saw in what manner religion, and a desire to support and advance that religion, had influenced all the civil contests that had taken place in this country—how intimately religious feeling had been connected with all the great feuds recorded in our history and that of Scotland and Ireland—how mainly it had influenced the two great events of the Reformation and the Revolution, he could not but feel sensibly, that religion and a desire to promote it would always be a great operating cause of similar conduct. Again, when he looked at the numbers of the Roman Catholics, and at the circumstances under which the transfer of church property from their to Protestant hands, took place at the Revolution, he could not feel satisfied or convinced that it was either wise or expedient to remove those barriers which he thought much better calculated to protect the Protestant ascendancy in this country, than those ecclesiastical securities which it was now proposed to substitute in their stead. In one sense he certainly did think that these bills were inconsistent with the constitution; but, in regard to the measure now before the House, he did not rely on that objection alone. In the other proposed bills, the clauses went to violate those relations which the constitution had established between the church and state, and the rules by which they were reciprocally governed and regulated. His hon. and learned friend (Mr. H. Twiss) had read to the House that evening an able lecture on the constitution; but, really he wished that his hon. and learned friend would refer to other records, and other authorities, that he had overlooked. His hon. and learned friend, in the very outset of his speech, declared that he intended to prove that the exclusion of the Roman Catholics first passed into a law under the 30th of Charles 2nd—an act passed, undoubtedly, at a time when the country was in a state of great ferment; that such exclusion entirely reposed on that statute originally, and on the penal statutes subsequently enacted in furtherance of the same object. But here he entirely differed from his hon. and learned friend;

because he would contend, that the exclusion of the Roman Catholics was quite coeval with the Reformation. He begged to refer to the 5th of Elizabeth, where it would be found, that every knight, burgess and citizen, before he could sit in that House, was obliged to take a certain oath, which, if his hon. and learned friend would be content to administer, instead of the test or abjuration oath he (Mr. Peel) would be quite satisfied. His hon. and learned friend had also pointed out an act which was passed in the reign of Edward 6th; and had quoted the preamble, the language of which he considered to be very beautiful and impressive, and which was to this effect:—"But, as in tempest or storm one coarse vest is convenient; in better or milder weather a lighter and more liberal garment, both may and ought to be used;" &c. Now, he (Mr. Peel) being anxious to ascertain what was the "light and liberal garment" used in the reign of Edward 6th, in respect of these matters, had found, on perusing the act, the preamble of which appeared so beautiful and impressive to his hon. and learned friend, that it was one under which, for the very speech that his hon. and learned friend had that very night delivered, he would have been put to death. "If any person shall by any writing, word, deed, or act, affirm, or set forth, or assert,"—in short should deny the king's supremacy—then," he and all his aiders, abettors, and comforters"—(that would be the hon. and learned member for Wootton Basset, and all the gentlemen disposed to support him), "should incur and suffer the penalty of death;"&c, [hear]. "A light and liberal" vest, truly, his hon. and learned friend had selected for his purpose. He could only say, that he required no such laws, on this subject, as those of Edward 6th. His apprehensions of danger from the removal in any degree of the existing barriers against the Roman Catholic religion and influence, were in no degree weakened by the vote to which the House had come, that it was "fit and expedient" to make provision for the Roman Catholic clergy. It was singular that his right hon. friend (Mr. Huskisson) should object to remove, as he said, the provision in question from the control of parliament, as in the case of some bodies of Dissenters; because, if so, why had his right hon. friend concurred in the vote of its being "fit and expedient to make provision by law," and in so far, a provision not under the immediate control of parliament; for what else did his right hon. friend understand by "a provision by law?" He must in this place strongly contend, that if ever there was a question which ought to be reserved for the executive to deal with, it was the relation in which the Roman Catholic clergy should stand with the government? As to the establishment of that clergy, he had certainly heard two propositions asserted in that House: of which one regarded a scale of allowances, such as 1,500*l.* a-year for an archbishop, 1,000*l.* a-year for a bishop, 200*l.* a-year for a priest, &c. The other was in effect this—that the funds for the payment of these allowances were not to be taken out of the produce of the taxes, but out of the resources of the church. Neither of these propositions or explanations was calculated to remove his objections to the proposed provision; though he would not say that it might not be necessary hereafter to consider of the propriety of making some sort of provision for this class of persons. The evidence of Dr. Doyle went clearly to express an unhesitating opinion, that let the Pope state whatever he would in regard to the doctrine of the church of Ireland, no member of the Roman Catholic church in that country would allow the slightest interference on the part of the Crown in the regulation of their religion or its clergy. On this account, again, he was of opinion, that the vote of the other night was a most important one; and subsequent reflection had justified to his own mind the advice which he had ventured to give the House on that occasion, namely, that they should pause, before they agreed to such a vote. Without at all disguising from himself the difficulty of the two only alternatives which they were told the House had to choose between on the present occasion, he thought there was yet another plan to be proposed, which ought, at least, to give no dissatisfaction to the parties it applied to. If the legislature and the chief executive offices in the protestant government, as settled by the bill of rights, were left solely to Protestant representation, and all others opened to the Roman Catholics, he could not see that the latter would have a right to complain of such an arrangement as one of injustice to them, or of degradation; nor did he believe that it would lead to any of those invidious distinctions, which he admitted had existence in Ireland, or those irritating processions that could not be enough condemned. That the parliament were on this great measure placed in a situation of great difficulty he did not at all deny; but that difficulty was in no slight degree attributable to the course which had been hitherto taken in that House on the subject, and by which the hopes of the Roman Catholics must necessarily have been raised very highly. Believing, as he did, that these exceptions and this exclusion ought still to be continued, and the conviction of his mind remaining still unaltered by any of the arguments he had heard, he felt it to be his duty to that conviction, and to the Crown of which he was a minister, to persevere in the course he had adopted; however painful he might feel it to be to differ on this occasion from so many honourable friends of his with whom he usually acted. He had, at least, not been instrumental in exciting or encouraging any false hopes in the minds of the Roman Catholics; and he therefore (perhaps for the last time) should now, by his vote, attest his uncompromising opposition to this bill, which proposed to grant them all that they claimed [hear].

Mr. *Brougham* rose, amidst cries of question, and began by assuring the House, that after so many nights' discussion—due, however, to the great interest at stake, and due to the Catholics—it was not his intention to trespass on the House at any length: but he felt himself called upon to make a few observations as to something which fell from him on Friday evening, and which had drawn forth an observation from the right hon. Secretary; and he should add a few words as to the measure itself. The hon. and learned gentleman then entered into an explanation relative to what he had said of bishop O'Byrne. It had been understood, he said, that the bishop had, in the early part of his life, received orders from the Pope, which had been afterwards repealed. This was not a solitary instance; as he understood a gentleman, at present a very popular preacher, had never received any but a foreign ordination. If bishop O'Byrne had not received popish ordination, it was singular that this should have been so generally credited. He (Mr. B.), in saying so, only said what was generally understood. His friends denied it, and he was himself satisfied. It was probable the mistake might have arisen from the brother of bishop O'Byrne having been a Catholic priest. The hon. and learned member then proceeded to make a few observations on the measure itself. The right hon. Secretary, it seemed still apprehended danger to the Protestant establishment both in church and state, if the Roman Catholics were to be allowed access to the offices of the latter. The very same alarm on the very same account was experienced in England a hundred and twenty years ago. But, as no harm had happened, notwithstanding, ever since, he had a right to anticipate that a hundred and twenty years hence our posterity would laugh at our fears, as we now did at those of our ancestors. When the Scottish union was to introduce into the House of Lords sixteen Presbyterian peers at once, the bishop of Bath and Wells, the venerable predecessor of one of the most vehement opponents of the Catholic claims at this day, earnestly besought the lords to consider, that they were, by such admission of the Presbyterian peers, exposing themselves to a danger, "the greatness of which no tongue could express." The Kirk of Scotland was the object of deep alarm to the right rev. prelate; but in the Scottish parliament a dread of a different kind was entertained, and they, who in that parliament argued against the union, said—"What! send sixteen peers and forty-five commoners to England—send the flower of our flock to the land of bishops and abominators! Their faith will be perverted, and they will come back and subvert and overthrow the established religion of Scotland." But, notwithstanding these opposite apprehensions, the measure was carried, and produced none of those mischievous effects which had been so confidently anticipated. In like manner he felt satisfied that, if the measure before parliament was carried, it would not be productive of the slightest danger, nor would it lead to the overthrow of the religion of this country, as the right hon. Secretary so seriously apprehended. A right rev. prelate (the bishop of Bath and Wells), the very flower of our Episcopacy, had said,—and he was no Jesuit, nor a lover of Jesuits,—that an individual who subscribed the thirty-nine articles, did not subscribe to the particular belief of each of them; but that by believing some and disbelieving others, he in some manner, lumped his faith; and that, as in the ebbing and overflow of the tide, the belief in one article was counteracted by a disbelief in another, and thereby a sort of average faith was embraced, which entitled the subscribing person to swallow the whole, and to assume to himself any situation or promotion in the church or elsewhere, that he might be enabled to obtain.—Among the objections to this measure was one chiefly relied on; namely, the discrepancy between a pamphlet of bishop Doyle and the evidence of that person before the Irish committee. Without meaning to cast any imputation on that highly gifted man, he certainly would not deny, that there might be some intemperate or indiscreet sentiments in that pamphlet, to which he could not give his approbation. Nay, there were some expressions in it which the writer himself would probably reject in his calmer moments. But, was it not possible that Dr. Doyle was sorry for those expressions? Was it not barely possible that the tone of that pamphlet, the tone of speeches which had been quoted, and the difference which appeared in the evidence that had been subsequently given, might have been produced by the kind and considerate treatment which the individuals had experienced in this country? Might not that change have been effected by the opening of the doors of parliament, to a certain degree; for the purpose of listening to their grievances and complaints? Might it not have arisen from your listening to their story; from your allowing them to tell with their own lips, the miseries and privations under which their country suffered? And that, too, with an implied feeling, that you, the parliament of the united kingdom, would redress them? Might not these considerations mitigate the tone of those who approached the legislature with a tale of long-suffering? And if so, could any man advance a more cogent reason for proceeding in the same course of conciliation, and admitting the Roman Catholics to the full benefit of the constitution? Was not that the mode by which the Catholics would be led to cherish feelings of loyalty, respect, and affection for this country? Those feelings—the feelings of loyalty, respect, and affection—had begun to show themselves, the moment the light and warmth of the constitution was seen and felt through that chink, through that trifling aperture, which had recently been made. What, then, would be the effect, if the whole benefits of the constitution were thrown open to them? He contended, that if this were done, the full and entire confidence of the Roman Catholics would be gained firmly and for ever. He must protest against making the speeches and writings of any individuals, however reprehensible they might be, a reason for condemning all those with whom he might be connected. Why should they make the opinions of one man, out of five or six millions, the standard of all the principles, and of all the feelings, of the great body to which he happened to belong? How would gentlemen in that House like such a measure to be dealt out to themselves? How would the right hon. Secretary who spoke last feel, if he heard any individual say, "I will not judge of the right hon. gentleman by what he has said himself, but by such or such a speech, delivered by such or such a gentleman who supports his principles. Mr. Such-a-one spoke no very sensible speech—he can talk very great nonsense—so can sir such-a-one, or my lord such-a-one. Listen to them; and then you will have a sample of the speech of the home Secretary, whose principles they advocate." This would undoubtedly be most unjust towards the home Secretary; and it would be equally unjust towards any other person. As an exemplification of this, let the House look to the productions of a certain reverend bart. out of doors. Whether he preached to or threatened the legislature, he wished his sentiments to be received as the transcript of the feelings of a very extensive body. He was totally opposed to any such proceeding. He would say, let the hon. baronet in the House, and the hon. and reverend baronet out of the House, stand or fall by their own speeches and writings. Let them not attempt to give a fictitious importance to them, by declaring that they speak the sentiments of vast numbers. He had, in the course of the debate, heard something of persecution; and it was said that the principle of persecution was inherent in the Catholic church. Let not those who used this argument be too nice in its application. There had been persecutions in all churches. Persecution was the effect of superior power, and superior domination. It occurred when any particular church had got the upper-hand, while as yet all heresies were not completely put down. At such a crisis, persecution flourished. Let the priests of any religion have power, and let men speak for themselves, in opposition to their doctrines; in that case, persecution was sure to follow. Let the House look to the head of the Lutheran establishment, which first pointed out the errors, as they were called, of the Church of Rome. Luther himself was not free from the charge of intolerancy. But, the establishment of the country, it would be said, was Calvinistic. What had lord Chatham said on this subject? He had declared, that we had a Calvinistic creed, an Arminian clergy, and a popish ritual—that Calvin, whose precepts they followed, was himself a persecutor—the persecutor of Servetus, whom he caused to be burned. But, they need not go back to so distant a period, to show how persecution was engendered by power. He called on the House to look at the scenes which, at no very remote period, had been acted in this country. He alluded to those infernal torments—he could call them nothing else—which, a hundred and fifty years ago, were inflicted on the people of Scotland under that tyrant, who, alike contemning the law of God, and the sacredness of the constitution, sent his people to die the death of martyrs, on account of the Covenant. They died as they had lived—convinced of the justice of the opinions they had espoused, and scorning to give up a principle, even though their existence depended on it. What was this but the clashing of two sects? On the one side were the priests who possessed power; on the other side were the honest men, who dared to deny that their doctrines were right; and the result was, that persecution which he defied the man the best read in matters of this kind to equal in the history of this country or of Europe. In arguing this question, he put all mention of heresies, jesuitism, and persecutions out of his view. Such violent language was unsuited to such an occasion; and he hoped they should have more of it on the one side or the other. What he said was — Let us throw open the doors of the constitution without delay. Let us put an end to a long series of discontent and bickering. When individuals bandied about the charge of jesuitism and of persecution, he would advise them to look upon these things as matter of history—as things only to be remembered for the purpose of making their minds, and the minds of their children happy, in the idea that they had outlived the day when such charges were matters of moment. He would call on the House to remove all those disabilities, which, while they created ill feelings amongst one party, created no benefit for the other. To use the quotation from Thuanus, which had already been applied by the right hon. President of the Board of Trade, "Proscriptiones" (that was the very highest point of his climax), "Proscriptiones irritasse potius quam sanasse morbum menti inhærentem." The country was now at peace. But were there no circumstances which might make this transient? What must be the situation of this country, if her power in Ireland was only to be kept up at the point of the bayonet? at one time depriving her of her constitution, and at another approaching her, not with the open hand of peace, but with the mailed hand, to crush and oppress her. Could any one hope to preserve peace and harmony between the two countries, while one of them was kept down by punishments, penalties and chains? If you wish to secure the happiness of the empire—if you wish to complete its safety—let no foreign country have the opportunity of looking with a malign aspect towards Ireland. Let England throw aside her long-prized, and he once thought exploded Irish impolicy. Let her leave to foreign powers no spot on which they could dwell in the hope that in that spot the empire might be weakened. Some of them at that moment dwelt with delight on Ireland. Every thing that passed in Ireland had found its way into foreign gazettes. In the Vienna gazette not a word was said about our improvement in arts and sciences—not a syllable about the strides which education was making—not the least notice was taken of the liberal policy which distinguished our commercial arrangements. No mention was made of those great blessings which, day after day, were pouring into our laps—no attention was paid to the knowledge which the liberty of debate was constantly showering on our heads. These matters were all carefully concealed; and, with one exception, our domestic affairs were passed over wholly unnoticed. Unfortunately, the condition of Ireland formed that solitary exception. The same feeling existed elsewhere. Then, he said, let there no longer be a spot in the empire on which foreign enemies, who hated this country, could suffer their eye to dwell with malicious pleasure. Make it as unpleasant for them to look on Dublin or on Cork, as it was at present for them to view Edinburgh or London. Peace, it was true, was now established: but would war never come? And when it did come, let them, unless they changed their conduct towards Ireland, look to that country then. Did they recollect the situation of Ireland during the revolutionary war? Nay, fifteen years ago, when they talked of Ireland, did they not speak of that country as if a province of the empire was likely to become a province of France? Such times might come again, and such fears might be renewed, if the Catholic question were rejected now. After they had put down the Catholic association—after they had increased their military power—after they had done much to irritate, and little to produce a kind feeling, he did not believe there was any man, whether English or Irish, who would be vain enough to answer for the peace of Ireland, even if a firm peace prevailed in every other part of Europe, if this measure were thrown out. But, this he would say, that if they sent up this bill to the other House by a large majority he thought, without arrogating to himself any peculiar foresight, that they might depend on the tranquillity of that country [hear, hear]. Without arrogating to himself any vain spirit of prophecy, he would say, that were this bill carried by a large majority through that House, he would be one ready to answer for the thorough pacification of Ireland, because he could then answer for its becoming a law. But, if it did not become a law in that manner —if it were not carried by such a majority, and that at the present moment, in this very reign—in the reign of his gracious majesty the king who now sat on the throne—then he could only say, that he had exonerated himself from any blame that might attach to future consequences, by calling on the House to be wise in time—by imploring them to act while it was day—by entreating them not to wait until the dark night shrouded them, "when no man can tell what will come!" [cheers].

Sir *F. Blake* rose, amidst tremendous shouts of "Question," which continued during the whole of his speech. He supported the bill; and as well as we could hear, declared that he would always be at his post. He stood up at that moment the unsolicited advocate of the Roman Catholics. To deny them the privileges they called for was an act of injustice; and that he would state in the face of the right hon. Secretary for the Home Department.

Colonel *Forde*, amid cries of "question," and "withdraw!" spoke briefly in support of the bill, and expressed his approbation of the measures which had been appended to it.

The question being put, the House divided: Ayes 248. Noes 227. majority for the third reading 21. The bill was accordingly read the third time. Mr. Bankes then brought forward his promised amendments. The first amendment was, that Roman Catholics should not be eligible to certain offices, "nor to sit in either House of parliament." That was put and negatived without a division. The second amendment was, to the clause authorizing the sovereign to appoint a commission of Roman Catholic prelates to superintend the correspondence with the see of Rome, &c.; the amendment was, that the sovereign or his successors should appoint such commission "if they shall so think fit." It was also negatived without a division. The bill was then passed. The following is a List of the majority, and also of the minority on the above division.

List of the Majority and Minority.

MAJORITY.

Abercromby, hon. J.
Abercromby, hon. G. R.
Acland, sir T. D.
Allan, J. H.
Althorp, visc.
Anson, sir G.
Bagwell, rt. hon. W.
Baillie, J.
Baring, sir T.
Baring, A.
Baring, H.
Barnard, visc.
Barrett, S. M.
Becher, W. W.
Bective, earl of
Belgrave, visc.
Benett, J.
Bentinck, lord W.
Benyon, Ben.
Bernard, Thos.
Binning, lord
Blake, sir F.
Bourne, rt. hon. W. S.
Brandling, C.
Brecknock, earl
Brinkman, T.
Brougham, H.
Browne, D.
Browne, J.
Browne, rt. hon. D.
Brownlow, C.
Bruen, H.
Burdett, sir F.
Burgh, sir U.
Bury, visc.
Byng, G.
Calcraft, J.
Calcraft, S. H.
Calthorpe, hon. F. G.
Calthorpe, hon. A.
Calvert, C.
Calvert, N.
Campbell, hon. G.
Carew, R. S.
Carter, John
Caulfield, hon. H.
Cavendish, lord G.
Cavendish, H.
Cavendish, C.
Chaloner, R.
Clarke, hon. C. B.
Clarke, sir G.
Clifton, visc.
Cocks, J.
Coffin, sir I.
Coke, T. W.

Colborne, N. R.
Colthurst, sir N.
Compton, S.
Coote, sir C.
Courtenay, T. P.
Courtenay, W.
Cradock, R.
Crosby, J.
Daly, J.
Dawson, J. H. M.
Denison, W. J.
Denman, T.
Doherty, John
Douglas, W. R.
Drummond, H. H.
Dundas, hon. T.
East, sir E. H.
Eastnor, lord
Ebrington, visc.
Ellice, E.
Ellis, C. R.
Ellison, C.
Evans, W.
Evelyn, L.
Fergusson, sir R. C.
Fitzgerald, rt. hon. V.
Fitzgerald, rt. hon. M.
Fitzgerald, lord W.
Fitzgibbon, hon. R.
Folkestone, visct.
Forbes, lord
Forde, M.
Frankland, R.
Freemantle, rt. hon. W.
French, A.
Gaskill, B.
Glenorchy, visc.
Gordon, R.
Gower, lord F. L.
Graham, sir S.
Grant, rt. hon. C.
Grattan, J.
Grenfell, P.
Grosvenor, hon. R.
Grosvenor, hon. T.
Guise, sir W.
Gurney, H.
Gilbert, D. G.
Harding, sir H.
Harvey, C.
Hawkins, sir C.
Heathcote, G. J.
Heron, sir R.
Hill, lord A.
Hobhouse, J. C.
Honywood, W. P.
Hornby, E.
Howard, hon. W.
Howard, hon. S. G.
Howard, H.
Hume, J.
Hurst, R.
Huskisson, rt. hon. W.
Innes, sir H.
James, W.
Jolliffe, H.
Knox, hon. T.
Kennedy, T. S.
Kingsborough, visc.
Knight, R.
Lamb, hon. G.
Lascelles, hon. W.
Latouche, R.
Lawley, F.
Leader, W.
Lester, B. L.
Leicester, R.
Lewis, T. F.
Littleton, E.
Lloyd, sir E.
Lloyd, S. J.
Lockhart, E.
Lushington, S.
Maberly, J.
Maberly, W. L.
Macdonald, J.
Mahon, hon. S.
Marjoribanks, sir J.
Marjoribanks, S.
Martin, J.
Martin, R.
Maule, hon. W.
Maxwell, J.
Milbank, M.
Mildmay, P. St. John
Milton, visc.
Monck, T. B.
Moore, Peter
Morland, sir S. B.
Mostyn, sir T.
Mountcharles, earl of
Money, W. T.
Newport, rt. hon. sir J.
North, T. H.
Nugent, lord
Nugent, sir G.
O'Brien, sir E.
O'Callaghan, J.
O'Grady, Standish
Ord, W.
Oxmantown, lord
Paget, hon. sir C.
Pakenham, hon. R.
Palmer, C.
Palmer, C. F.
Palmerston, visc.
Pares, T.
Parnell, sir H.
Phillips, G. R.
Phillips, G.
Phipps, hon. E.
Plummer, J.
Plunkett, rt. hon. W.
Ponsonby, hon. F. C.
Portman, E. B.
Power, R.
Powlett, hon. W.
Poyntz, W. S.
Prendergast, W. G.
Price, R.
Pringle, sir W.
Prittie, hon. F.
Pym, F.
Ramsbottom, J.
Ramsden, S. C.
Rice, T. S.
Ridley, sir M. W.
Robarts, A. W.
Robarts, G.
Robertson, A.
Robinson, hon. F.
Robinson, sir G.
Rowley, sir W.
Rumbold, C.
Russell, lord J.
Russell, lord J. W.
Russell, R. G.
Scarlett, J.
Scott, J.
Sebright, sir J.
Shaw, sir R.
Smith, G.
Smith, J.
Smith, W.
Smyth, W. M.
Somerville, sir M.
Stanley, lord
Stanley, hon. E.
Staunton, sir G.
Stewart, A.
Stuart, lord J.
Stuart, hon. J.
Stuart, J.
Sykes, D.
Talbot, R. W.
Tennyson, C.
Tierney, right hon. G.
Titchfield, marquis
Twiss, H.
Tynte, K. K.
Upton, hon. A.
Valletort, lord
Vernon, G. G.
Wall, C. B.
Warrender, sir G.
Wellesley, R.
Western, C. C.
Wharton, J.
Whitbread, W. H.
Whitbread, S. C.
White, H.
White, S.
Whitmore, W.
Williams, J.
Williams, O.
Williams, T. P.
Wilmington, sir T.
Wilmot, R. Horton
Wilson, sir R.
Wodehouse, E.
Wood, alderman
Wortley, J. S.
Wrottesley, sir J.
Wynne, C. W. W.
Wynne, sir W. W.

TELLERS.

Duncannon, visc.
Phillimore, J.

PAIRED OFF.

Anson, hon. G.
Balfour, J.
Bent, J.
Bernal, R.
Boyd, W.
Cockburn, sir G.
Croker, S. W.
Cumming, G.
Curwen, J. C.
Dunlop, J.
Edwards, hon. E. H.
Ellis, hon. G. A.
Fitzroy, lord C.
Fleming, S. (Saltash)
Gladstone, J.
Grant, col.
Grant, G. M.
Gurney, R. H.
Haldimand, W.
Hamilton, lord A.
Heathcote, sir G.
Ingleby, sir W.
Lloyd, J. M.
Mackintosh, sir J.
Mostyn, sir T.
Scudamore, R. P.
Smith, R.
Tavistock, marquis
Thynne, lord H.
Warre, S. A.
Williams, sir R.
Wyvill, W.

MINORITY.

A'Court, E. H.
Archdale, M.
Ashurst, W. A.
Astell, W.
Astley, sir J. D.
Baker, J.
Bankes, H.
Bankes, W.
Barne, M.
Bastard, E. P.
Bastard, J.
Belfast, earl of
Bentinck, lord F.
Beresford, lord G.
Beresford, M.
Bernard, visc.
Blackburne, E.
Bond, J.
Bonham, H.
Boughton, sir W.
Bouverie, hon. B.
Bridges, G.
Bright, H.
Brudenell, lord
Brydges, sir J.
Buchanan, J.
Burrell, sir C.
Burrell, W.
Butterworth, J.
Buxton, J.
Byron, T.
Campbell, A.

Cartwright, R. W.
Cawthorne, J. F.
Chandos, marquis
Chaplin, C.
Chetwynde, G.
Chichester, sir A.
Cholmley, sir M.
Clements, hon. J.
Clinton, sir W.
Clinton, H. F.
Clive, visc.
Clive, hon. H.
Clive, H.
Cole, sir C.
Collett, E. J.
Cooper, E. S.
Cooper, R. B.
Cooper, J. H.
Copley, sir J.
Corry, visc.
Cotterell, sir J.
Crawley, S.
Cuffe, J.
Curteis, J. E.
Cust, hon. E.
Cust, hon. P.
Curzon, hon. R.
Dalrymple, A. J.
Davenport, D.
Davies, H.
Dawkins, J.
Dawkins, G.
Dawson, G.
Douglas, J.
Duncombe, W.
Duncombe, C.
Dugdale, D. S.
Dickinson, W.
Dowdeswell, J. C.
Drake, W. T.
Drake, T. T.
Egerton, W.
Ellis, T.
Estcourt, T. G.
Fane, J.
Fane, T.
Fane, V.
Farquhar, J.
Farrand, R.
Fellowes, W. H.
Fetherstone, sir G.
Fleming, J.
Foster, J. L.
Foley, J. H. H.
Forbes, C.
Forrester, F.
Gascoyne, I.
Gipps, G.
Gooch, T. S.
Goulburn, rt. hon. H.
Graham, marquis
Graves, lord
Greville, hon. sir C.
Grossett, I. R.
Hart, G. V.
Harvey, sir E.
Heber, R.
Herries, J. C.
Heygate, W.
Hill, right hon. sir G.
Hill, sir R.
Hodson, J. A.
Hodgson, F.
Holford, G.
Holmes, W.
Hotham, lord
Hulse, sir C.
Inglis, sir R. H.
Innes, J.
Irving, J.
Jenkinson, hon. C. J.
Jervoise, G. P.
Jones, J.
Kerrison, E.
King, hon. H.
King, sir J. D.
Knatchbull, sir E.
Legh, T.
Legge, hon. H.
Lennox, lord G.
Leslie, C. P.
Lethbridge, sir T.
Lewis, W.
Long, sir C.
Lowther, visc.
Lowther, hon. H. C.
Lowther, sir J.
Lowther, J.
Lopez, sir M.
Lucy, G.
Lushington, col.
Luttrell, J. F.
Lygon, hon. H.
Macnaughten, E. A.
Magennis, R.
Manners, lord C.
Manners, lord R.
Manning, W.
Mansfield, J.
Martin, sir B.
Maxwell, J. W.
Maxwell, B.
Maxwell, sir W.
Morgan, sir C.
Morgan, G. G.
Munday, F.
Mundy, G.
Musgrave, sir P.
Newman, R. W.
Nightingall, sir M.
Noel, sir G.
Ommanney, sir F.
O'Neill, hon. J.
Owen, sir J.
Palk, sir L.
Pechell, sir T.
Peel, rt. hon. R.
Peel, W.
Peirse, J.
Pelham, J. C.
Pennant, G.
Percy, —
Pitt, W. M.
Pitt, J.
Pole, sir P.
Pollen, sir J.
Pollington, visc.
Porcher, H.
Powell, E.
Rae, right hon. sir W.
Raine, J.
Rice, hon. G. T.
Rickford, W.
Rogers, E.
Rose, rt. hon. G.
Ross, C.
Rowley, sir J.
Russell, J. W.
Ryder, right hon. R.
Scourfield, W.
Shelley, sir J.
Shiffner, sir G.
Smith, S.
Smith, A.
Smith, T.
Smyth, R.
Sneyd, R.
Somerset, lord E.
Somerset, lord G.
Sotheron, F. F.
Stanton, J.
Stopford, visc.
Strutt, J. H.
Stuart, W.
Suttie, sir J.
Taylor, G. W.
Thompson, J. L.
Thompson, W.
Thynne, lord J.
Tindall, N. C.
Townshend, hon. F.
Trant, W. H.
Trench, F. W.
Tudway, J. P.
Ure, M.
Vivian, sir H.
Vyvyan, sir R.
Wallace, rt. hon. T.
Warren, C.
Webbe, E.
Wells, J.
Wemyss, J.
Westenra, hon. H.
Wigram, sir R.
Wilbraham, E. B.
Williams, R.
Willoughby, H.
Wilson, sir H.
Wilson, W. C.
Wodehouse, hon. J.
Wyndham, W. G.
Wynne, O.
Yorke, sir J.

TELLERS.

Lushington, S.
Wetherell, sir C.

PAIRED OFF.

Blair, J.
Bradshaw, J.
Brogden, J.
Curtis, sir W.
Divett, T.
Downie, R.
Elliot, lord
Grant, A. C.
Grant, A.
Handley, H.
Hope, hon. sir A.
Hope, sir W.
Hudson, H.
Keck, G. A. L.
Mackenzie, sir J. W.
Mitchell, J.
Monteith, H.
Montgomery, gen.
Nicholl, rt. hon. sir J.
Northey, W.
Onslow, A.
Paget, hon. B.
Pellew, hon. P.
Price, R.
Seymour, H.
St. Paul, sir H.
Sumner, H.
Walker, J.
Walpole, hon. J.
Wildman, J.
Wilson, T.
Worcester, marquis

HOUSE OF LORDS.

Wednesday, May 11.

ROMAN CATHOLIC RELIEF BILL.] Sir John Newport, Mr. Brougham, Mr. Wynn, lord Milton, Mr. Spring Rice, and a large number of members from the Commons, brought up this bill. Sir John Newport, in handing it to the Lord Chancellor, said, that the Commons had passed a bill for the relief of his majesty's Catholic subjects, and prayed that their lordships would concur with them in the same.

The Earl of *Donoughmore* moved, that the bill be read a first time; which being ordered, the noble earl proceeded to appoint a day for the second reading. His Catholic fellow-subjects having, he said, long done him the honour to place their petitions in his hands, and make him the medium for communicating their grievances to their lordships, he could but feel the greatest satisfaction at welcoming from the other House of parliament a bill which was a signal pledge of justice, and of a spirit of conciliation. With a measure of such importance, it was necessary that their lordships should have as long a time as possible for consideration. At the same time, under the circumstances of the House, and the near approach of the holidays, he found it necessary to propose that the second reading should take place on Tuesday next.—Ordered.

HOUSE OF COMMONS.

Wednesday, May 11.

VOTES OF MEMBERS IN PRIVATE COMMITTEES.] Sir G. Clerk having brought up the report of the Leith Docks Bill,

Mr. *Kennedy* objected to the measure, as being uncalled for in its present state. He was not, however, indisposed to entertain a compromise on the subject.

Mr. *Abercromby* strongly condemned a practice, too prevalent in private committees; namely, that gentlemen should conceive themselves qualified to decide on the right of parties, without listening either to the counsel employed, or the evidence adduced on the respective subjects. Such a practice, as it affected members of that House, was scandalous, and as it regarded the interests of the persons whose rights were under the deliberation of the committee, was fraught with gross injustice.

Mr. *Brougham* agreed with his hon. and learned friend in reprobating the practice of voting in committees up stairs, without attending to the evidence requisite to form a correct opinion of the merits of the case. He did not wish to use harsh expressions; but he must designate such a practice as careless; aye, and even corrupt too [hear, hear!]. The fact being indisputable, it was high time that the opinion of the House should so decidedly stigmatise such scandalous conduct of private committees, as to terminate a mode of proceeding so disgraceful to the House, and so unjust to the public.

Sir *G. Clerk* agreed with the hon. and learned gentleman; and he thought also, that nothing could be more improper than for honourable members to come down to the House and indulge in general reflections upon a subject, with the facts of which they were not fully acquainted. The members of the committee in question had been pretty regular in their attendance. At the final division, there were twenty-five in favour of the bill, and five against it.

Sir *R. Fergusson* said, that some of the members of this committee were gentlemen from the sister kingdom; others from the centre of England, who had no knowledge of the sea-ports, nor the interests connected with them. Of these gentlemen fourteen or fifteen came into the committee-room just before the division, and voted without having heard the evidence. It was, in his opinion, as unfair a committee as he had ever known.

Mr. *Wynn* thought that every person acquainted with any unfair practices did their duty in coming to the House and openly stating them. There could be no doubt that the House had the power, when it saw reason for doing so, to send back a report to another committee. In the present instance, however, it appeared that the majority of the gentlemen who had voted had heard the evidence. He therefore saw no reason why such a course should now be adopted. He thought that members for Ireland were as competent as any others to decide upon a question of policy, like that of the bill before the House.

Sir *J. Marjoribanks* said, he could assure the House, that there was no jobbing in the committee; if there were, he might be considered the chief jobber, as he had a great property embarked in the Leith Dock.

Mr. *J. P. Grant*, as one of the committee, thanked his hon. and learned friend for his notice of the subject, not merely in reference to this particular case, but as it regarded the general regulation of private committees; the abuses in which imperatively required some effectual alteration.

Mr. *Croker* said, that from the fact of the committee having adjourned for two days, in order to obtain the attendance of a member of the committee who was opposed to the bill, and that of many of the members having heard the whole of the evidence, the report before the House was freed from the imputation which had been attempted to be cast upon it.

Mr. *Stuart Wortley* said, he was glad that this subject had been brought before the House. The prevalence of such practices could only be checked by an appeal to the feelings of hon. gentlemen; and there was no method of making that appeal more effective than by a statement of the facts to the House.

The report was then agreed to.

HOUSE OF COMMONS.

Thursday, May 12.

Elective Franchise in Ireland Bill.] Mr. *Grattan* rose to present a petition from the freeholders of the county of Monaghan, against the bill brought in by the hon. member for Staffordshire, which would have the effect of disfranchising the 40*s.* freeholders of Ireland. The petitioners considered this bill to be contrary to justice, and to involve a direct violation of the constitution. In their sentiments he entirely concurred.

Mr. *Spring Rice* said, that the opinion of the petitioners was founded on an entire misapprehension of the question. If what the petitioners stated were fact, he would at once agree with them: he would say, that the 40*s.* freeholder ought not to be interfered with. But, this bill did not affect the 40*s.* freeholder. What he, and those who approved of the measure, objected to was—the number of electors who were brought into the constituency, not as freeholders, but as leaseholders. So far from diminishing any right which existed at present in England, or which was valuable to the constituency of England, those who approved of this bill took a course which rather blended the rights of the real constituency of the two countries, by striking at a practice known unfortunately in Ireland, but not at all known on this side of the water. No desire existed to limit the exercise of the elective franchise. The great object was to introduce a better and more independent description of voters than was known in Ireland at present.

Mr. *Grattan* contended, that the petition spoke facts, and nothing but facts. When they raised the qualification of voters above 40*s.*, it was clearly a limitation of that right; and, he would say, one of the most enormous that was ever proposed. It was said, that the friends of this measure were anxious to assimilate the law of Ireland to the law of England on this subject: but, he would maintain that, at present, the practice in England and in Wales was the same as the practice in Ireland.

Mr. *Hume* wished his hon. friend, the member for Limerick, to show how it was possible to pass this bill, without depriving individuals, at a future period, of rights which they now expected to enjoy ultimately. By the practice of Ireland, every holder of a lease of 40*s.* was entitled to a vote; and in all time to come, unless the law was altered, those who succeeded him in his property would be entitled to the same privilege. Now, it was intended by the bill of the hon. member for Stafford to take away from all future holders of leases the power to vote for members of parliament. This was the admitted object; and, if this was not taking away from the popular part of the community a right which they had long enjoyed, he knew not what to call it. If the practice was mischievous, let them put an end to it in some other way: let them introduce a measure by which the evil would be corrected. But, let them not, by one sweeping measure, deprive four millions of people of an established right. It had been reported, that because he was hostile to this bill, he had declined to vote on the Roman Catholic Relief bill; but it was perfectly well known to gentlemen around him, that he had formed one of the majority on that occasion; and sorry he was, that that majority was not ten times greater [hear].

Lord *Althorp* said, that the opponents of this bill objected to it because, in their opinion, the extent of popular election in Ireland would, if it were carried, be more limited than it was at present. Now, he would vote for it, because he thought it would give the popular interest greater force and power than it could now command. At the present moment, gentlemen of large property, by subdividing their estates, were enabled to overpower the middling and better-informed classes. But, by the operation of the bill now before the House, the weight of the independent freeholders would be greatly increased; and instead of lowering the right of popular election, it would place the counties of Ireland, which were now nothing but close boroughs, in the same free situation which they held in England.

Mr. *Littleton* said, that by the bill which he had introduced, there was not one individual in Ireland, who at present had a right to vote, to whom that right would not be preserved. He really thought that the hon. member for Aberdeen, and the reformers in general, ought to be first and foremost, in supporting this measure. For the very same reason which induced the hon. member for Aberdeen to call for an increase of the elective franchise in Scotland, his object being to destroy corrupt influence—for that very reason the hon. member was bound to vote for a decrease of the elective franchise in Ireland; because, in that country, the fictitious voters overwhelmed the real freeholders. He could not conceive on what principle those who supported parliamentary reform could oppose this measure. He was astonished, how gentlemen who came into that House by the voluntary vote of independent English electors, could support a system under which, by dividing four or five estates into shreds and patches, the power of the real freeholder was completely overwhelmed! They ought to support a measure which would put an end to a system so vicious. Sooner or later, when the principle of the bill was understood by the public at large—when the opinions, so strongly and generally expressed in that House, were properly weighed—the measure would be successful. The misunderstanding which prevailed; the misrepresentation which had most unfairly been made in that House; and the inconsistency which he had observed in the conduct of various parties, with respect to this measure, would ultimately be corrected; and he had no doubt but that it would be eventually carried.

Sir *J. Newport* said, that as the practice now stood, men of real substance, of bona fide property, refused to attend at elections. In many instances, individuals of respectability would not qualify themselves to act as electors. They knew that they would be completely overpowered by those fictitious freeholders; and therefore they viewed the elective franchise as a privilege not worth having. It was to him most extraordinary, that any man who had looked into the evidence given before the committee, or who was personally acquainted with the practice, could oppose a measure which would put down an evil of such magnitude.

Mr. *S. Bourne* said, that besides the strong ground—that of purifying the elective franchise—therewas another very powerful argument in support of the bill. It was admitted, that amongst the evils which oppressed Ireland, the subdivision of land was one of the greatest. It was impossible directly to interfere with property; and, while a motive existed for the subdivision of property, that subdivision would take place. Now, when the motive which led to that system was known, it was the duty of parliament to remove it and its accompanying evil together. Surely the increase of leaseholders—at rack-rent, in most instances, be it remembered—ought not to be continued, when it was clearly the means of perpetuating a generally admitted evil.

Mr. *W. Becher* spoke in favour of the bill, because he thought its tendency was to remedy existing evils in Ireland.

Mr. *Monck* said, he considered the 40*s.* freeholds a great evil; but he did not like the remedy. The argument for the present bill was, that in consequence of the numbers of electors, the real sense of the county could not be taken, and that the independent voters were thereby nullified. Was it forgotten that in this country there were hundreds of boroughs? Could gentlemen discharge from their minds the pot-walloping boroughs? Could they forget the places where the mechanics, being freemen, destroyed by their numbers, all the independent voters? In England, boroughs and votes were sold openly and notoriously to the highest bidder; and yet the Irishman was to be deprived of his vote, on account of evils which were not of his own creating. At Southampton, the right of voting was in the inhabitants paying scot and lot, and individuals who purchased the right of the corporation. When George Rose stood for Southampton, and was hard run, and likely to lose his election, he was favoured by the corporation, and at one stroke, no less than sixty of these voters, all strangers to the town, were created; and he thereby succeeded in getting his election. If the evil was to be put down, let it be a general measure. The hon. member for Galway had given instances in which the 40*s.* freeholders had acted with the greatest independence. He believed the present bill to be a contrivance, on the part of the Irish members, to secure their return to parliament. These members had created votes, which they expected to find dependent, but which they now discovered were too often independent. They found the voters in a state of mutiny. They would not go with the landlord, as it was intended and expected they should; and they often went with the priest, in direct opposition to the landlord. This was their real fault. It was not their general dependence, but occasional independence, which was struck at by this bill. For these reasons, though as yet he had voted for it, he should vote against its further progress.

Sir *George Rose* said, that the occurrence alluded to by the hon. member, could not have taken place at Southampton, as the voters must at least be made a year before the election.

Mr. *Monck* said, he would not vouch for the statement. He had read it in a newspaper: it might have been inserted for election purposes.

Lord *Milton* admitted that the bill deprived certain persons of a right to vote, but he was so fully convinced that that right gave rise to great evils, that he should vote in favour of the bill. He took that opportunity of asking the hon. member for Staffordshire whether it was his intention to proceed with this bill, or to postpone it until the final determination of another measure, on the success of which its operations must ultimately depend.

Mr. *Littleton* said, he was quite ready to comply with whatever might be the wish of the House on the subject. He would either wait the decision which might be come to in the House of Lords, or he would proceed that evening; but he was particularly desirous to avoid doing any thing which might be construed into a breach of faith. He was willing that the wishes of the members for Down and Armagh, both of whom he saw in the House, should be complied with relative to the postponement.

Colonel *Forde* said, he was indifferent whether the elective franchise bill should be disposed of now, or postponed to a future day, provided it was distinctly understood, that if the great measure of Catholic emancipation should be carried in another place, this bill should be persevered in and pressed forward as rapidly as was consistent with the forms of the House.

Mr. *Brownlow* rose to address the House, but was for some time wholly inaudible, owing to the subdued tone in which he spoke. He alluded to the opinion he had recently given on the subject of Catholic claims, which opinion he saw no reason to retract. He particularly recommended the passing a measure of general conciliation; and he looked upon the bill which had been alluded to as a component part of that measure. The concession of the Roman Catholic claims, the increase of the qualification of electors, and the provision for the Roman Catholic clergy were called for by the present situation of Ireland. If any of these measures were not to be carried, still he should not regret the vote he had given. He was deeply anxious that the bill should be carried; but to its present postponement he could have no objection.

Mr. *Littleton* said, that it was his intention, if the Catholic Relief bill should be carried in another place, to proceed with all possible alacrity to press on the elective franchise bill. On the contrary, if the former bill should be lost, he would certainly abandon the latter.

Sir *F. Burdett* said, that he rose principally to express his admiration of the manly and candid course taken by the hon. member for Armagh. What that hon. gentleman had stated had had a considerable influence on his mind. In looking at the question of Catholic emancipation with a view to conciliate the minds of the people of Ireland, he could not put out of view, that a portion of that people was Protestant; and on their behalf he also felt a strong interest. It was fit, therefore, in conceding the claims, to grant them in such a way as would be acceptable to the Protestant mind; or the House would, in fact, be doing little more than changing the sides of the difficulty. The great object was, to consolidate the whole power of the empire; and that could not be attained without conciliation. With reference to the elective franchise bill, he should be prepared to defend it upon every principle—upon a principle of reform. He should be able to show that the same principle applied to particular parts of the elective franchise in this country would be beneficial, and tend much to the independence of parliament and the liberty of the subject. Having, however, accepted the support of several members on the great question, which support had been most honourably given, he should feel bound to support the minor bill, which had for its object to increase the qualification of voters in Ireland, even if he could not find reasons for it in all respects satisfactory to his own mind. He looked at the bill for the provision of the Catholic clergy in the same light. He was bound to support it; for on that condition the support to the great question, which was not less than that of religious liberty in the country generally, had been given. He should, therefore, feel warranted in making even greater sacrifices on that subject, than he was in fact called upon to make. Standing as the measure did, he felt obliged to several hon. members for their assistance and votes in favour of a bill which seemed to him of paramount importance to the welfare of the empire.

Colonel *Trench* was desirous of expressing his regret, that by the loss of the present bill, Ireland would be deprived of the benefit of a measure of great importance [cries of "no, no"].

Mr. *R. Martin* thought that this bill would be one of the greatest visitations ever inflicted on Ireland, if it should pass into a law, without being accompanied by Catholic emancipation. He had no doubt that it would produce a commotion, perhaps a rebellion, in Ireland; and this he was ready to prove on a proper occasion.

Ordered to lie on the table.—The further consideration of the Elective Franchise bill was deferred till the 27th.

WAGES OF LABOURERS OUT OF THE POOR RATES.] Mr. *Monck* moved for leave to bring in a bill to prohibit in certain cases, the payment of any part of the Wages of Labourers out of the Poor Rates. The hon. gentleman observed, that this practice of rendering every agricultural labourer partially a pauper, went not only to annihilate all independency of principle among the lower classes, but to incumber the country with a population which it had no means of providing for. The law, as it stood, amounted absolutely to a bounty upon idleness. A labourer who, by day-work, earned, say 8*s.* a-week, was unable, if he had a family, to live on this, and received, perhaps, 6*s.* therefore in aid from the parish. If he was a man industriously inclined, and by task-work or other extra exertion, raised his 8*s.* earnings to 12*s.*, what was the consequence? He had his toil for his pains: for then the parish gave him 2*s.* And even this was a slighter evil than the encouragement which this practice gave to early marriages. In his natural state, the bachelor stood better off than the married man: his gains might be equal, and his burthens were less; and this comparative ease of condition formed the true and legitimate check to improvident unions. But our law now neutralized that check entirely; or rather, indeed, gave a bounty to a man for producing children which he could not maintain. The law said now, that a single man should not earn so much by his daily labour as a married man. While he was a bachelor, he must labour at so low a rate, that all hope of making any provision for matrimony was out of the question; but he had only to marry at once, without thinking of consequences and the parish would at once increase his wages, and give a pauper's support, as fast as they were born, to his children. The hon. member, after commenting generally upon the oppressiveness as well as the impolicy of the existing system, sat down by moving for leave to bring in his bill.

Mr. *J. Benett* was not disposed to oppose the bringing in of this bill, though he doubted much whether the good results would follow which the hon. member predicated of it. He always viewed with alarm any approach towards an alteration in the poor laws; as hitherto such alterations had been but rarely for the better. The complaint was not so much against the law as its administration; and the governors of the poor were charged with too much liberality in applying the funds destined for the use of the poor. But surely, when the agricultural people were themselves the largest contributors to the poor rates, nobody could quarrel with them for dispensing their own money too generously. The shop-keepers might contribute a portion; but they also gained by the better condition of the poor, in an increased sale of their goods. No man was more anxious than he was to see the poor of this country comfortably provided for; but, in his conscience, he believed it was not in the power of this House to legislate effectually upon the subject.

Sir *George Chetwynd* undertook to affirm that it was not legal to pay labourers' wages out of the poor's rates. He was aware that such a practice existed in some places; but he had never heard it justified by a lawyer in that House. It appeared to him, therefore, unnecessary to pronounce, by a new bill, upon the illegality of that which had never been defended.

Mr. *Monck*, in reply, stated, that he was still of opinion that under the statute of Elizabeth, it was lawful to apply the poor rates in aid of wages. By that act the overseers were bound to provide for the poor, and of course to supply such deficiency in their wages as would enable them to subsist. He hoped the House would entertain the subject, as it appeared to him not inferior to that of Catholic emancipation, or any other that might be brought before that House.

Leave was given to bring in the bill.

ASSIMILATION OF THE CURRENCIES OF GREAT BRITAIN AND IRELAND.] The House having resolved itself into a committee,

Mr. *Wallace* rose. He stated his object to be, to do away one of the most important distinctions, remaining between Great Britain and Ireland, and, at the same time, to remove one of the greatest practical inconveniences Ireland was now subject to, by assimilating the currencies of the two parts of the United Kingdom. The object, he said, was neither new to the House nor to those who, by property, by commercial transactions, or even by official situations, were connected with Ireland—all had felt the inconvenience arising from the difference of the currencies, and all had been anxious that, whenever practicable, the removal of it should be effected. This, if any were necessary, was his apology for bringing forward the present motion, that concurring in that general feeling, he thought that the time was peculiarly favourable for such a measure. That although the evil was then most felt, it was not in periods of great fluctuation, but when the exchange was, as it had been for a considerable time, steady, when the currencies were bearing their due proportion to each other, that such a change could be undertaken with advantage and with safety.

When brought forward at one time, difficulties presented themselves from the restriction on money payments and the paper currency, which were thought insuperable; but on that occasion there was not one who did not concur in thinking the measure desirable at a more favourable season. When it was again brought forward it was rather postponed than objected to, on an understanding that it was to be brought forward by the government. The authority arising from what passed on these occasions he stated to have been powerfully confirmed by passages, which he quoted from the report of a committee in the year 1804, of which lord Oriel was chairman. The difficulties then apprehended had vanished by our return to cash payments, and the measure was now confined to the mere equalization of the current monies of the two parts of the kingdom.

When the real and nominal exchanges was at par, that is, when the payments balance each other, and there is no depreciation in the currency of either country, the difference between the currency was 8⅓ per cent, this was, however, liable to be affected by different circumstances; and he held an account in his hand which showed the extent of its fluctuation to have been at one time as high as 19 per cent in favour of England, at another to have been as low as 1⅓. These fluctuations took place subsequently to the acts which permitted the free importation of corn and the transfer of stock, at a time too, when at Liverpool and Edinburgh the exchange was confined to the mere expense of the transmission of money commuted for bills at a fixed and known number of days. He did not say that this measure would destroy the exchange between the two countries, but he saw no reason why, when the only difference between them was removed by the assimilation of the currencies, that which occurred at the places he had mentioned, should not equally occur in Ireland, and the greatest part of the inconvenience of the exchange should not be removed by taking away all its uncertainty.

He then stated the effects of this uncertainty in the injury it produced, both to the individuals, and in the manner in which it affected all the commercial transactions between England and Ireland; which, however unavoidable in the intercourse between Foreign States, ought not to subsist in that between parts of the same kingdom, in which, if the currency was the same, no nominal exchange could exist. This, he said, was the case in respect to London, Liverpool, and Edinburgh; and the union could never be considered as complete, till it was so in respect to Ireland.

To obtain this, it was necessary to bring the money of account and the money of circulation to an equality, and to make such money as circulated in any part of the empire, of a value different from what it bore in the other parts of it, the same. At first sight, the change of that by which the prices of every thing were to be affected appeared formidable, and calculated to lead to great confusion: practically, however, it had not proved so. The history of the coin of every country showed the facility with which changes in its value had been affected; and perhaps no country had been more liable to changes than Ireland itself.

He then traced the state of the current money of Ireland from the remote periods of its history, to the difference that was first established between that and the currency of England in the reign of Edward the fourth; the different attempts that had been made to bring them to the same standard in the reign of Elizabeth, and during the administration of lord Strafford; the state of the coin preceding the arrival of James the second; the measures adopted by that monarch in raising both the gold and silver; to the act of George the second, by which both the gold and silver were brought to the nominal value at which they now stand, of $8\frac{1}{3}$ per cent above the value of the same coins in England.

The same inconveniences, he said, had been felt from the difference of currencies between England and Scotland previously to the union between those parts of the kingdom; and by the 16th article it was expressly stipulated, the currencies should be in future the same; and a part of that money which was to be received as indemnification, was made applicable to compensate those who should suffer by this change. The effect expected was produced; the exchange fell, and, with the exception of a short period, has continued fixed since that time, and by bills at a certain number of days, notwithstanding all the shocks to which the public credit has been exposed.

The inconvenience of an uncertain exchange, as attaching to all commercial transactions, was, he stated, felt in proportion to the increase of those transactions, which, he was happy to believe, as it regarded Ireland, owing to the repeal of the Union duties, and other measures lately taken, was likely to be most rapid. He then stated the imports and exports at different periods, and observed how the capital of Great Britain had gradually absorbed the foreign trade of Ireland, which was now chiefly carried on through British ports.

The average of seven years exports from Ireland, according to official value,—

	£	£.
Ending January 1727:		
To Great Britain	504,492	
Foreign Countries	540,051	
		1,044,543
Ending January 1792:		
To Great Britain and Colonies, ...	4,180,000	
Foreign Countries	1,207,000	
		5,387,000
Ending January 1823:		
To Great Britain and Colonies, ...	7,850,000	
Foreign Countries	302,547	
		8,152,547

The average of the first period made one-half the trade foreign.

Of the second ditto, nearly two-ninths.

Of the third ditto, not more than one twenty-seventh.

It was, however, less in respect to the policy of the measure on which he believed there was likely to be any doubt, than in respect to the mode in which it was to be carried into effect. This he proceeded to detail.

The actual currency of Ireland consisted in notes of the Bank of Ireland and of private Bankers, in bills of exchange, in sovereigns, guineas, and silver, of the different denominations used in England, and issued from the British Mint; in tokens issued at different periods, and under the authority of several acts of parliament (a great proportion of which had been called in), and partly of copper coined expressly for the use of Ireland, at the rate of thirteen-pence or twenty-six halfpennies to the shilling.

The Irish pounds and the Irish shilling, were therefore mere imaginary monies; the coin which was in circulation, with the exception of the copper, was British coin, passing according to the money of account, for nominally one-thirteenth more than its value as British currency. The copper coin, as was stated, being at one-thirteenth less than the copper money of Great Britain.

What he proposed was, to make the nominal money of account equal to the value of that of circulation, and raise the copper to the rate of that passing in England.

He admitted this latter, as affecting the lower orders, to be an important change; but argued, that the inconvenience arising from it could be only temporary, and that no real injury could be produced to them, either in their dealings or the value of their labour. If this change were the whole, there would be no necessity for a legislative measure, the prerogative of the Crown was sufficient to effect it, either by raising the value of the coin actually current, or by calling it in and issuing a new and more valuable coin in its place; the latter, though attended with some expense, he thought on many accounts, the most desirable course. What created the necessity of a legislative measure was, the regulation of contracts, either actually subsisting or hereafter to be entered into. With respect to the first, he stated, that as currency bears the proportion of $\frac{12}{13}$ths to the nominal value, and that in every payment made $\frac{12}{13}$ths of the value in current British coin, was deemed equivalent to the sum stipulated in nominal currency; that is, that 100*l.* British would be received as equal to 108*l.* 6*s.* 8*d.* Irish; this was the rule he should adopt, and declare that every subsisting contract, having reference to Irish currency, should be taken to be satisfied by repayment of $\frac{12}{13}$ths of the sum stipulated in the currency of Great Britain. This, it is true, would nominally reduce the amount due by $\frac{1}{13}$th, but the value of what was due would be unaltered, and the sum received would, after the measure had taken place, be precisely the same as before.

With respect to contracts to be entered into, he proposed to enact, that after a day to be fixed in the bill, they should all have reference to British currency. No inconvenience should arise from this, except from the ignorance of one of the parties, and this he could propose to provide against by measures that might give the most general publicity to the provisions of the bill.

The debt of Ireland, which was now stated in Irish currency, he proposed should hereafter be reduced to its amount in British currency, and become nominally what it was in reality. No injury by this would be suffered by the public creditor, whose interests would continue to enjoy the same protection as before; the same sum in principal or interest would still be receivable, although the nominal amount of both would undergo a diminution.

He should propose that all books of account, in which the public had any interest, should be in future kept in British currency. The chief branches of the Revenue were already assessed in this currency; they were then converted into Irish, and when the accounts were to be rendered to the treasury or to parliament, again converted into British. The inconvenience of this practice was obvious, and it would be removed by the provisions he had stated.

With respect to Bank notes which now circulated, and had been issued with reference to Irish currency, they consisted of those of the bank of Ireland, and those of private bankers. He should not propose the calling in either one description or the other, but that all notes that were issued in future, either by the Bank of Ireland or the private banks, should have reference to British currency. The Bank of Ireland, he understood, compounded for their stamp duties, and were not in the habit of re-issuing the notes that returned to them; to that body, therefore, the provision could produce no inconvenience. The private bankers were, however, in a different situation; they did not compound, and had the privilege of reissuing any note returned to them during three years from its date; the depriving them of this privilege without compensation, would be an injustice, and the compensation he should propose was, that for all notes returned to them within a year from their date, if sent to the stamp office, they should be allowed the full amount of the stamps; if during the second year, $\frac{3}{4}$ths of the amount; and if during the third, one half. This compensation he felt to be a very liberal one, and had reason to believe it would be perfectly satisfactory. There were minor details, with which he did not think it necessary to trouble the committee. These were the general principles and provisions of the measure he had to propose, and to these he did not anticipate any objection. He certainly had heard some fears expressed; among others, an apprehension that it might be the means of the money being at times drawn from Ireland to this country; this, he argued at some length, could not be the case; and even supposing the danger not to be as visionary as he believed, the remedy of an inferior currency was an evil that infinitely outweighed it.—He was aware of the prejudices that it was liable to, but these prejudices must always be encountered; if they were an argument now, they were so at all times, and he did not see that any period was likely to arise in which they might be encountered with less apprehension than at present.

He did not, he said, propose this as a measure of great political importance, but of considerable practical convenience. If it did not take away the exchange between the countries, it would settle and fix its rate; it would facilitate the transactions, and convert the trade between the two countries into a really home trade, with all the advantages belonging to it. Above all, and to which he attached the greatest moment, it would remove a great subsisting distinction, and by so doing tend to draw closer the bonds of union and encourage a diffusion of British capital throughout Ireland, and, by affording means of employment, probably have some share in alleviating the distress and poverty which had been the parent of all the crimes and disorders by which Ireland has been so long disgraced and afflicted.—The right hon. gentleman then moved the following resolutions:

1. "That the pound sterling in Great Britain and Ireland respectively is, according to the currency of each, divisible into twenty shillings; and that the shilling in Great Britain and Ireland respectively is, according to the said currency of each, divisible into twelve-pence; but that the silver coin which represents a shilling of the money of Great Britain, is paid, accepted and taken as representing one shilling and one penny of the currency of Ireland, and the pound sterling of the currency of Great Britain, is, at the par of exchange, paid, accepted and deemed as equivalent to one pound one shilling and eight pence of the currency of Ireland; and that any sum of British currency, is at the same par of exchange, paid accepted and deemed as equivalent to an amount of pounds shillings and pence of the currency of Ireland, greater by one-twelfth part than the amount of pounds shillings and pence, of the currency of Great Britain contained in such sum; and that any sum of Irish currency is, at the same par of exchange, paid, accepted and deemed as equivalent to an amount of pounds shillings and pence of the currency of Great Britain, less by one-thirteenth part than the amount of pounds shillings and pence of the currency of Ireland contained in such sum.

2. "That as great complexity of accounts between persons residing within the different parts of the same United Kingdom of Great Britain and Ireland, and other inconveniences, arise from the said difference of currency, it is the opinion of this House, That it is desirable to assimilate the currency of Ireland to the currency of Great Britain, without disturbing the relation between debtor and creditor, and to make hereafter one uniform currency for the United Kingdom.

3. "That it is expedient that the values of the monies of account in Ireland, and monies of account in Great Britain, should in all cases whatever be assimilated to each other.

4. "That it is expedient that all duties constituting the public revenues of Ireland, should be calculated and received, by the several departments under which they are collected, in the currency of the United Kingdom; and that all books and accounts kept in relation to such duties, and all accounts in which the public have any interest, should be kept and stated in the said currency of the United Kingdom, and in no other.

5. "That it is expedient that the public debt in Ireland should cease to be estimated in Irish currency, and that in all accounts thereof the same shall be stated at its amount in the currency of the United Kingdom; and all sums payable for interest in respect of the said debt, should be calculated and paid in the said currency of the United Kingdom.

6. "That it is expedient that all existing salaries, allowances, pensions, duties and debts, and all contracts, agreements, and stipulations for the payment of money, having reference to Irish currency, shall be deemed to be fully discharged and satisfied by payment according to the amount in British currency, calculated at the rate of twelve thirteenth parts of the amount stipulated to be paid in Irish currency.

7. "That it is expedient, that from and after the period of assimilating the Irish to the British currency, all contracts, agreements, and stipulations, involving or implying the payment of money, should be held to be entered into in reference to money of the value and description of that now circulating in Great Britain, unless the contrary be made to appear.

8. "That it is expedient, that in pursuance of any proclamation to be issued by his majesty, the several coins of Great Britain should circulate in Ireland at the same nominal as well as at the same real value as in other parts of the United Kingdom.

9. "That it is expedient that all copper coin of the currency of Ireland, be permitted to be brought to the Bank of Ireland, in pursuance of any proclamation to be issued by his majesty, and that there be deliverd at the said Bank of Ireland a sum in the current copper coin of Great Britain, after the rate of twelvepence of the English copper coin for thirteen pence of the Irish copper coin."

Sir *J. Newport* expressed his concurrence in the principle of the measure, though he feared it would be attended with considerable difficulty in the execution. It might certainly excite some degree of alarm, and ought therefore to be accompanied with such modifications as might allay any feelings of apprehension on the part of the people of Ireland.

Mr. *L. Foster* approved of the principle of the measure, and thought there would be no difficulty in getting over the obstacles opposed to it. He believed that in two months after it should pass into a law, it might be brought into practical operation.

Sir *H. Parnell* thanked the right hon. gentleman and the government for having brought before parliament a subject, which was so well calculated to facilitate the commercial intercourse between England and Ireland.

Mr. *Grenfell* approved of the plan, and thought the present was the best time for carrying it into effect. The copper coin of Ireland was circulating, at nearly double the value of copper in the market; holding out the greatest temptation to counterfeit money. A new copper coinage would increase the size of the Irish pence and halfpence; and that alone would reconcile the lower orders in Ireland to the present measure.

Mr. *M. Fitzgerald* returned his thanks to the right hon. gentleman opposite for the very salutary measure of which he had just stated the outline to the committee. He did not anticipate any of those practical difficulties from it, which had been mentioned by some of his hon. friends. On the contrary, he was certain that it would tend much to the simplification of the present system; and by so doing, would greatly benefit the commerce of Ireland.

Mr. *John Martin* suggested to the right hon. gentleman the expediency of issuing a coinage of silver threepences. We had formerly had silver pence and silver twopences; and the recurrence to such a currency would be a measure of very great and very general convenience.

The resolutions were agreed to.

HOUSE OF LORDS.

Friday, May 13.

Roman Catholic Claims.] The Archbishop of York presented a petition from the clergy of the East Riding of Yorkshire against granting further concessions to the Catholics.

Lord *King* said, he could not assert that the opposition at the meeting at which this petition had been voted was numerous, but it certainly was very respectable, and that the arguments urged against the petition had been distinguished for good sense and sound reasoning. It was worthy of remark, that but few petitions had been presented from the clergy of those dioceses which were large and rich, such as Canterbury, York, Winchester, and Durham; whereas they came in great numbers from those parts of the country in which the dioceses were small; in short, from those places from which translations might be desirable. He must, however, say, that for his part, he preferred the steady and venerable fixtures of a House to those pieces of furniture which were moveable and liable to change.

Lord *Kenyon* said, it was not fair to make such observations when those members of the right reverend bench who were in the habit of addressing the House, were absent. He had no hesitation in saying, that it was a downright calumny to represent the petitions which were presented against the Catholic claims as proceeding from interested motives on the part of the right reverend bench, or to insinuate that, in this instance, the clergy did not act from their sense of duty, but gave way to temporal views. To say this, he would repeat, was nothing less than a downright calumny.

Lord *King* replied, that as to the noble baron saying that any thing which fell from him was or was not a calumny, that was what he heartily despised; but if the noble lord meant to say, that what he had just stated respecting the quarter from which the greater part of the petitions came was not the fact, he must give him a flat denial. The fact notoriously was, that the petitions had been numerous from the counties where the dioceses were small, and that comparatively few had been presented from those in which the dioceses were large.

Lord *Kenyon* did not mean to deny or assert that the petitions were numerous or few from any quarter; but he did say that it was a calumny to state that those which had been presented were procured by the clergy from interested motives.

The Bishop of *Exeter* said, that for himself he would declare, that he never used any influence in procuring petitions. It was unfair in the noble baron to make this assertion; for he (the Bishop) had before disclaimed the exercise of any influence; but the noble baron might, if he pleased, repeat the calumny, for calumny it was. With regard to one of the petitions, he had received a letter from the clergyman of the parish, informing him that no influence had been used to procure it, but that, on the contrary, the people had applied to him. A meeting was regularly called, and the petition was agreed to unanimously. He had used no influence with the clergy of his diocese. He believed the real cause of so many petitions being presented, was, that the people of the country were anxious that their sentiments on this question should not be misrepresented. Their lordships had been told of the danger there would be in refusing to accede to the claims of the Catholics; but was there no danger in refusing to listen to the numerous petitions on the opposite side?

The Bishop of *Hereford* disclaimed all exercise of influence on his part to procure petitions. Only one had come from the clergy of his diocese.

Lord *King* said, he did not allude precisely to large or small dioceses; but, the fact was, that the petitions were few from those where there were no translations.

The *Lord Chancellor* did not rise from any wish to oppose the kind of observations in which the noble baron so often indulged. He had already said, and he was confident of the fact, that their lordships owed a great proportion of the petitions with which their table was covered to the observations of the noble lord; for the people of this country did not wish to be held up as indifferent on this important question. Let, then, the noble lord go on; because if he did, between that day and the day on which the measure was to be discussed, short as the time was, many more petitions against the Catholics would be laid on the table.

Lord *Rolle* asserted, that the petitions against the Catholic bill fairly expressed the sense of the country, and deprecated the throwing of reflections on the lower classes for exercising their right of petitioning.

Lord *Holland* was glad to hear this doctrine which was now held with respect to petitions. Whether the petitions against the bill were numerously signed or not, he was glad to find it admitted, that the voice of the people ought to be listened to. He felt, however, some difficulty in reconciling the assertion, that those petitions expressed the sense of the country, with what had fallen from several right reverend prelates and the noble and learned lord on the woolsack; namely, that the great body of the people were hostile to the object of the bill which had now, for the second time, been brought up from the other House, and to which the Commons had twice solicited their lordships' assent. According to what he had always understood of the theory of the constitution, this could not be the case. At least, whenever the influence of certain secret parts of the constitution had been alluded to, he had been told, that in theory the House of Commons was the real representative of the people. This he had always been told, and he had assented to the theory. But, it seemed that he, in common with many of their lordships, had been labouring under an error. The Commons were no longer the representatives of the people. That House was, on the contrary, to be regarded rather as an oligarchy, as it had often been described by men who were called visionary reformers—as a body to which might be applied what a noble lord lately said which he somewhat whimsically compared to the French revolution; namely, that it was an ingenious contrivance to deprive the many of their rights in order to confer them on the few. It had sometimes been said, that there was no proper vent for public opinion; but that complaint could no longer be made, for now a voice had been found for democracy in that House; and the right reverend members of the opposite bench, and the noble and learned lord on the woolsack, had constituted themselves the organs of the people. The noble and learned lord now looked to the bar, or to Palace-yard, for those whose opinions most deserved to be listened to on the subjects which came under the consideration of their lordships. For his own part, though rather a lukewarm reformer, he had really too much love for reform to deny the possibility of the vote of the House of Commons being different from the opinion of the great body of the people. After, however, that House had, not once only, but twice passed such a measure as the present, he did not think it could have been possible for any person to stand up and assert, that the universal feeling of the people was against it. In the face of the decision of the House of Commons, which represented the whole people, and in contradiction to the known wish of at least one-third part of that people, their lordships were assured, that the country was hostile to the measure; and this they were told on the authority of pocket petitions got up in holes and corners, of scraps of paper like private correspondence, which the members of the opposite bench, and the noble and learned lord on the woolsack, were in the daily habit of producing. It would, however, be the duty of their lordships to consider what it was right and fitting for that House to do, without any reference to the opinions of others. But, if the opinion out of doors was to be inquired into, it would be found to be very different from the representation which had been made of it. Their lordships would find, that wherever there had been public meetings, the people had almost invariably decided in favour of the Catholic claims. Their lordships would recollect, that in speaking of public opinion on this question, they had to consider what was the opinion of the whole united kingdom; and, if there was any difference in the expression of that opinion, they were surely bound to pay some attention to the opinion of that part of the empire which was the most vulnerable, and through which this country might be most easily injured. He did not mean to say that there was not, on conviction, a decided objection in some reflecting minds, to granting the Catholic claims, and that there was not also an indifference on the subject in many others; but he would assert, that nothing had occurred which entitled any noble or learned lord to say that the feeling of the people of this country was hostile to the Catholic claims.

Ordered to lie on the table.

HOUSE OF COMMONS.

Friday, May 13.

East India Judges Bill.] The House having resolved itself into a committee on this bill,

Mr. *Hume* adverted to a provision contained in the bill, by which the Recorder of Prince of Wales's Island was liable to be removed from his situation, at the pleasure of his majesty. He wished to know, why the person appointed to the Recordership should be placed in a situation different from any other judge? Other judges held their appointment for life, unless they behaved improperly in office; and so ought the Recorder of Prince of Wales's Island.

Mr. *Wynn* said, the provision in question was not a new one, but was strictly in conformity with the act or charter under which a recorder had been originally appointed. He wished now to state the reason why an alteration was made in the payment of the judges. The salaries of the Madras judges had formerly been paid in pagodas, at 8*s.* the pagoda. That mode of payment had for some time been discontinued, and the salaries were paid in rupees. But, it was found that the quantity of silver to be obtained for the rupee was not equal, in proportion, to that which could be obtained for the pagoda, by which the judges sustained a loss. A memorial stating that fact, was laid before the Indian government, who, having submitted it to the proper authorities, determined on their report, to make the alteration. It was also thought better to pay the salaries in the local currency, rather than in British currency.

Mr. *Hume* said, he objected to the appointment of a judge who was removable at pleasure. If the right hon. gentleman could show him any charter in which such a provision was to be found, he would be satisfied—not of the propriety of the thing, but that it was not a novelty. Such a system was most dangerous, since it tended to shake the independence of judges, who might act according to the dictates of those in power, for fear of losing their situations. The House, perhaps, was not aware, that Indian governors had sometimes punished even jurors, because they had done their duty. In one case, because a jury had acted contrary to the feelings of sir G. Barlow, that individual had displaced every man who sat on it. If a judge were also liable to the visitation of power, he would be placed in a situation where he might find it beneficial to his interest not to perform his duty. Therefore he wished that part of the clause by which the judge held his office during pleasure to be omitted. It would not be forgotten, that at a former period sir H. Gwillim had been removed from Madras, in consequence of a dispute between him and the government. That individual was not allowed to state his opinion as to the law of the land. But, from that day to this, the custom of removing at pleasure, was not, he understood, permitted.

Mr. *Wynn* said, that the words of the act or charter of 1807 were followed in this bill. That charter, which appointed a recorder for Prince of Wales's Island, provided that the individual should hold the situation during his majesty's pleasure.

Mr. *Hume* said, he would be satisfied if the right hon. gentleman would state that this bill made no alteration in the general law, and that the Indian judges were to be placed in the same situation as those of England ["no, no."]. Then, he contended, it was a question which called for the most serious consideration. The system of intimidation was carried to such an extent, that no man who differed from the government could hope to escape proscription; and the degree of despotism to which the executive power in India had arrived, was unexampled, even by that of the Stuarts. Many persons had been banished; and, within the last month, two indigo planters had arrived in England, having been deported from India without notice or trial. It became the duty of the House to consider whether such a system ought, or could safely, be allowed to endure. The half-castes were not allowed to sit on juries, and yet they were allowed to hold land; while Englishmen, who possessed the former privilege, were wholly precluded from the latter. It was quite necessary that some system should be established for securing the independence of the judges in India, and interposing the protection of a jury between British subjects and the public authorities.

Mr. *Robertson* said, that any alteration in the law, as far as regarded the judges, appeared to him unnecessary.

Mr. *Wynn* said, that the judges were in fact independent of the local authorities, and could only be removed by the Crown. He admitted the possibility of disputes arising between the judges and the governors; but even in such cases the difficulty, almost the possibility, of bringing over the witnesses necessary for investigating them, rendered the exercise of a discretionary power necessary. He would be quite ready to give his attention to any measure which should propose a practical remedy to the existing defects.

Sir *C. Forbes* said, it was impossible that the people of India, having the knowledge they had of the blessings and spirit of the British constitution, could long endure the tyranny of their governors. He thought the natives of India were not less entitled to protection than any other British subjects.

Mr. *Sykes* said, it was quite clear, notwithstanding what had been asserted, that the judges in India were not as independent as those in England, and that nothing could be more objectionable than that any confusion should exist between the executive and judicial authorities.

Dr. *Phillimore* said, that the judges were removable at the pleasure of the Crown, but not at the pleasure of the local government. He thought there was great wisdom in retaining this power for the Crown; because the distance between this country and India, rendered it impossible that a prompt inquiry should be had into cases which might arise, and which might require an immediate remedy. If any alteration were necessary, it must be provided for by another bill. The one now under discussion contemplated nothing but a change in the judges' salary.

Mr. *Hume* had no objection to the judges' salaries being raised, but, he complained that the most important interests of India were neglected, while such paltry considerations as these occupied the attention of the House. The governors acted as umpires over the judges, who were therefore not independent. The half-castes, though much more numerous than Englishmen, were degraded and deprived of the right to set upon juries. The hon. gentleman read an extract of a letter from India, setting forth the evils of the present system; and concluded by asserting, that it was necessary to restrain, without delay, the power which the governor at present possessed, of transporting any individuals who might become obnoxious to him.

Mr. *Wynn* asserted, that the judges of India were as honourable and independent as any in this country. The greatest care had been taken in their selection; and in their subsequent conduct they had never shown themselves subservient to the power of the governor. The power of deportation was granted by the last charter. When it should again come to be considered by the House, it might be restrained in such a manner as the circumstances might authorize.

Mr. *Hume* had no doubt of the ability of the judges in India, but they ought to be as independent as they were able. He suggested the appointment of a temporary judge in cases of vacancy, in the same manner as was provided in case of vacancy among the members of council.

Mr. *Wynn* saw several objections to the proposed change. He had never heard of the case of the Indigo planters to which the hon. gentleman had alluded.

Mr. *Hume* objected to the clause, empowering the authorities of India to transport offenders to Prince of Wales's Island, or any other place to which they might at present be sentenced, because the climate of that island was such as to ensure the death of almost any European who should be condemned to hard labour there.

Sir *C. Forbes* proposed, that the salaries of the judges should be raised from 58,000 to 60,000 rupees, and moved an amendment to that effect.

Sir *C. Cole* seconded the amendment.

Mr. *Wynn* said, that the great loss of life rendered it necessary to offer every temptation to persons properly qualified to fill these offices. The proposed alteration amounted to not more than 200*l.* per annum, and he therefore thought it was not worth while to contest it.

The amendment was carried. After which, the Chairman reported progress.

Roman Catholic Claims—Rev. Dr. Doyle.] Sir *J. Newport* said, that his hon. and learned friend, the member for Winchelsea, had received a letter from Dr. Doyle, which, in justice to that rev. gentleman, whose feelings had been wounded by something which had passed in the House, he would take the liberty of reading. The right hon. baronet then read the letter, in which the writer complained, that it had been attributed to him that the opinions expressed in the writings published under the signature of J. K. L., and those delivered in his evidence before the parliamentary committee, were inconsistent with each other. He denied that the opinions contained in his writing could—unless they were distorted from their true and original meaning—be proved to be inconsistent with his evidence. He also declared that, in all the writings which he had published during the course of six years, he had ever expressed a most respectful opinion of the constitution, creed, and liturgy of the established church, although most of those writings were answers to unmerited attacks on his own religion and church.

Warehoused Corn Bill.] Mr. Huskisson moved the third reading of this bill.

Sir *M. W. Ridley* expressed an opinion, that the duty of 10*s.*, on payment of which the warehoused corn was to be admitted, was too high, and that it would act as a prohibition.

Mr. *Wodehouse* apprehended that much corn of the United States would be fraudulently imported, under the denomination of Canadian corn.

Mr. *Huskisson* observed, that he had no objection to fix the duty at less than 10*s.*, if the House should concur with any proposition to that effect. At the same time he did not believe that a duty to the amount of 10*s.* would prevent the corn from being brought into the market. He was satisfied that the owners of warehoused corn would not fail to bring it into the market before the next harvest, if they had an opportunity of doing so; because, if the corn in foreign ports should be imported, it would bring the price much lower than that which they could obtain for it now. With respect to what the hon. member for Norfolk had said about the importation of American corn, he believed his apprehensions to be without foundation. He had conversed with persons who were perfectly informed on the subject, and he found that, during the time when corn was at the highest price ever known in this country, there never was more than fifty thousand quarters of Canadian corn imported. The lowest price at which corn of the United States could be landed at Montreal, including the expence of carriage, the risk, and the duty, was from 20*s.* to 25*s.* In order, however, to allay the fears of those who dreaded the importation of American corn, he had no objection to say, that if, during five years, the average importation of what was called Canadian corn should exceed 100,000 quarters, he would take that fact as evidence that there had been a fraudulent importation of American corn, and that it was necessary to adopt some measures to guard against it [hear].

Mr. *H. Sumner* wished a clause to be introduced into the bill, to limit the importation of Canadian corn in any one to a hundred thousand quarters.

Sir *E. Harvey* approved of the suggestion of the hon. member for Surrey.

The *Chancellor of the Exchequer* begged to remind those gentlemen who supposed that large quantities of American corn would be fraudulently introduced into the home market, that the measure before the House was intended for the benefit of the Canadians themselves, who would therefore have an interest in preventing such a proceeding. There were so many difficulties opposed to the fraudulent introduction of American corn, that he believed the thing was almost impracticable. In the first place, the corn must be brought from some port in Lake Champlain in an American ship, and be landed at Kingston, Montreal, or Quebec: it must then be put on board a British ship; for only in such a vessel could it be brought to this country from Canada: and, before all this could be done, it was necessary that perjury should be committed over and over again, and the vigilance of the Custom-house be defeated; which would be somewhat difficult, seeing that a cargo of corn was a bulky article, and not easily transported, particularly in a country like Canada, where the roads were not very favourable, and the points of communication hundreds of miles from each other. If gentlemen would study the geographical situation of the two countries, they would find that there was no ground for alarm.

Sir *I. Coffin* said, there was no ground to suppose that American corn could be fraudulently introduced into this country.

Sir *J. Wrottesley* did not think the importation of American corn was so difficult as the right hon. gentleman had represented it to be.

Mr. *W. Horton* said, that the inhabitants of Canada were as much interested in preventing the importation of American corn as the English farmers.

Mr. *Sykes* expressed himself favourable to the lower rate. He would rather it should be 5*s*. or 7*s*. than 10*s*.

Sir *E. Knatchbull* could not concur in either a high or low rate. He did not think any alteration in the Corn laws necessary.

Mr. *Curwen* said, he did not think bonded corn would be brought into the market, except at the lower rate.

Mr. *Whitmore* said, he should be extremely glad, if the right hon. gentleman would concede the lower rate of duty. He agreed with the hon. member for Cumberland, that the bonded corn was not likely to come into the market at so high a duty as 10*s*. As to the amount of corn likely to be imported from the Canadas to this country, he believed the opinions which prevailed at the present moment to be most erroneous; since the average amount of wheat imported from the Canadas to this country did not exceed 23,000 quarters.

The bill was read a third time.

Mr. *Huskisson* said, that, with a view of removing all cause for alarm, and giving an adequate security against the fraudulent introduction of Canadian wheat, he should propose a clause, by way of rider, that there should be the same certificate of origin as in the case of sugar. This provision, which was found a sufficient security with respect to sugars, must be still more satisfactory in regard to so bulky an article as corn. With respect to the suggestion of the hon. member for Surrey, for limiting the quantity to 100,000 quarters, he should have no objection to adopt it, if he thought there was any probability that such a limitation would be necessary. If the increased importation should be so rapid as to give an average of so large an amount for five years, he should then consider that there was some evasion of the law, and the interposition of parliament would, under such circumstances, become necessary.

The clause was agreed to.

Sir *M. W. Ridley* moved, as an amendment, that the duty on bonded corn be reduced from ten shillings to seven shillings.

Mr. *Wodehouse* supported the amendment. On behalf of the agriculturists, he was enabled to say, that they had no objection to the foreign corn being taken out of bond free of duty altogether.

Mr. *Bright* supported the amendment, as the low duty was due to the holders of bonded corn, in compensation for the losses they had already sustained.

Mr. *Huskisson* said, he would most willingly concur in any thing which would relieve the importers of the bonded corn, who, he believed, had already lost considerably by it; but he felt it his duty to resist this amendment on public grounds. The object of it was, to give a greater facility to the owners of this corn to bring it into the market; but this he had no doubt would be done under the present bill. If the price should get near, but not up to 80*s.*, the holders of the bonded corn would bring it out, and would, no doubt, get a sale for it, not having the competition of any foreign corn; and if they saw that there was a chance of the price rising to 80*s.*, and of the ports being opened, they would feel equally anxious to bring it before the great influx of foreign corn would deprive them of all hope of selling it. His adherence to the 10*s.* rather than a lower sum, was not from any consideration of revenue, but from motives of public expediency, which he had already explained to the House.

The amendment was negatived, and the bill passed.

GRANT TO MR. M'ADAM.] The House having resolved itself into a committee of supply,

The *Chancellor of the Exchequer* rose to propose a grant by way of compensation to Mr. M'Adam, for that improvement in making the roads of the country, from which so much public benefit had been derived. As this subject was not new to honourable members, he would not occupy their time with any eulogium on the nature of Mr. M'Adam's services. The nature of his works was well known. Every gentleman who travelled in the country, whether for business or for pleasure, must at once perceive the advantage which had been derived from the application of Mr. M'Adam's talents in the formation of roads. In consequence of the time, labour, and expense which he had bestowed on this subject, the government, in 1820, felt itself bound to grant him a sum of money, and 2,000*l.* were given to him in 1820. In 1822, on the very strong recommendation of the Post-office, by which department he had been employed to make surveys, and superintend the formation of several lines of road, a further sum of 2,000*l.* was granted by the government. In 1823, application was made by Mr. M'Adam, who stated, that he had not been sufficiently remunerated for the discovery he had made in the art of road-making, and that the occasional employment he might derive in the application of his discovery would not be an adequate reward for the time, labour, and expense he had bestowed, in bringing it to perfection for the benefit of the public; he therefore besought the attention of the government to his claim, and prayed for an additional sum to compensate his services. He candidly confessed, that when this application was made, he was not disposed to receive it in that way which the friends of Mr. M'Adam could wish. He was not disposed, on a general principle, to give the sanction of government to applications of this kind. He was therefore inclined to be rather stingy of the public money on the occasion, and he refused the application; but he did consent to give the sanction of the government to a petition from Mr. M'Adam to the House. That petition was presented in 1823, and a committee was appointed to examine its claims. In 1823, that committee was appointed. They investigated the whole subject; and certainly no words could more strongly express, than those used in the report, their sense of the benefit which the public had derived from the scientific improvements that Mr. M'Adam had introduced into the construction of roads, not alone by his own exertions, but in consequence of his example. On the grounds so strongly stated in their report, the committee recommended, and certainly, in his opinion, not unreasonably, a further grant to Mr. M'Adam. That committee was a very large one, and was composed of honourable members, of different principles and sentiments; but all well qualified to give a sound opinion upon such a subject. After they had made their report, he had had several communications with the hon. gentlemen who had taken the most active part in the investigation; and it was in consequence of those communications, as well as of the report itself, that he consented to propose to parliament a further grant to Mr. M'Adam. The recommendation of the committee was, that 2,000*l.* or 2,500*l.* be granted to Mr. M'Adam. It was the former sum that he now intended to propose. It might be said, that when any man made an ingenious discovery, he would be rewarded by the employment that must necessarily follow. But that was not always the case. It frequently happened, that the individual to whom society was indebted for some important invention, was the last person to derive benefit from it. In the present instance, although, as he had already observed, he was not forward in picking out cases for the interference of the legislature, he really thought Mr. M'Adam was entitled to further remuneration; because, although certainly not in a state of poverty or destitution, the advantage which he had derived from his exertions was by no means adequate to their importance. On these grounds, he would take the liberty to move that a sum not exceeding 2,000*l.* be granted, to enable his majesty to make further remuneration to Mr. M'Adam for the services which he had rendered to the public by the valuable improvements that he had made in the roads of the country.

Mr. *Hume*, although he by no means denied the public services of Mr. M'Adam, was of opinion that the proposed grant was not warranted by the circumstances of the case. He perfectly agreed with the chancellor of the Exchequer, that no claim of this nature ought to be allowed unless on the most satisfactory grounds; and he would appeal to the right hon. gentleman and to the House, whether what had been done by Mr. M' Adam justified a departure from that general rule. He by no means thought that the evidence taken before the committee appointed to investigate Mr. M' Adam's claims, warranted the report of that committee. Mr. M'Adam had made a statement of expenses which he had incurred for a long period of years, during which, he was prosecuting his experiments; but he understood that for a large portion of that time, Mr. M' Adam was employed in other affairs, and by no means devoted his sole attention to the subject of roads. Among other items, Mr. M' Adam stated that he had expended 5,019*l.* in 1,920 days. The particulars of this expenditure ought to have been detailed, in order to enable the House to form a judgment upon the subject. While he fully admitted the merits of Mr. M' Adam and was persuaded that the opinion of the committee was conscientiously given, he could not but be astonished at the absurdity of characterising that gentleman as the inventor of the system adopted under his name. It was true, that Mr. M' Adam had devoted a considerable portion of his life to carrying that system into successful execution, but that did not constitute him its inventor. Four years ago he (Mr. Hume) had presented a petition from a person of the name of Lester, in which it was satisfactorily proved, that the petitioner had framed a plan similar to Mr. M' Adam's, prior to the operations of that gentleman. He had also presented a petition from a Mr. Paterson, an eminent surveyor of the roads, in the county of Forfar, showing satisfactorily, that long before Mr. M' Adam was heard of, Mr. Paterson had constructed a number of roads, precisely on the same principle. Mr. M' Adam had been employed by 79 turnpike trusts in twenty-eight different counties, and from these counties he had a right to be repaid for his labour; but he objected against his being paid by the community at large. It appeared to him extraordinary that the public in Norfolk, in Scotland, and in Ireland, should be saddled with the cost of a grand new street from Carlton Palace to the Regent's Park. Such a practice would be in direct violation of all the principles on which the expenses of roads were provided for. It was said, in support of this grant, that Mr. M'Adam had received nothing from the trustees of squares, bridges, and parishes, to which he had repeatedly given his advice. If that were so, whose fault was it? Certainly not that of the public; and it was therefore particularly unfair to call upon it, to furnish, out of its generosity, those funds which ought to have been furnished by the justice of those to whom Mr. M'Adam had given his exertions. It was not so much to the amount of this grant as to the principle on which it was founded that he objected. He likewise objected to giving this remuneration to Mr. M'Adam, because the proposal of it came from the chancellor of the Exchequer, and not from the committee which had been appointed to examine into Mr. M'Adam's services. By coming from the chancellor of the Exchequer, it was made a government question, and was thus deprived of that fair and impartial consideration which it would have undergone had it come from any other quarter. Under these circumstances, he felt himself bound to oppose the grant, and should certainly take the sense of the committee upon it.

Mr. *N. Calvert* supported the grant, on account of the great improvements which had been made on the line of roads submitted to the management of Mr. M'Adam.

Sir *M. Cholmeley* said, that if it were true that Mr. M'Adam had already received 4,000*l.* of the public money, he did not appear to him to be entitled to any further remuneration.

Sir *T. Baring* spoke in support of the grant, and contended, that the House, in passing it, would not be establishing any new precedent, inasmuch as there had been upwards of twenty similar grants for similar public benefits in the last twenty years.

Mr. *H. Sumner* acknowledged the great merit of Mr. M‘Adam's system, but could not look upon it as a new invention, as the roads in his neighbourhood had been made upon it for the last fifty years. He thought that the greatest national benefits might be compensated at a rate cheaper than the current expenses which the services of this family had cost to the country. He would admit that Mr. M‘Adam, in bringing the system into general operation, was entitled to reward; and he had received it in the liberal remuneration which himself and family had had from the several public trusts. He must say, that the present demand was one of the most dangerous attacks on the public purse that he had ever remembered. Mr. M‘Adam's sense of private advantage had led him and three of his sons to embark in an object, and the success that had attended their speculation had yielded to them all the most liberal remuneration. Out of different public trusts, for the last five years, they had drawn no less a sum than 41,000*l.* Their claim for expenses, on the average of 400*l.* per annum for each of the family, was made, not on the economical rate of a surveyor of the road, who would have been satisfied to ride his horse and dine on a beef steak and mutton chop. It would seem that the firm of M‘Adam travelled in their post-chaise and four, and enjoyed all the delicacies of the season. Upon the whole, as he denied the originality of the invention to Mr. M‘Adam, so he thought that the emoluments of the family were a sufficient compensation for any services the public had derived.

Mr. *Maberly* denied that Mr. M‘Adam had intruded himself on the Post-office. On the contrary, that department had sought him. Lord Chichester in an interview with that gentleman, had asked for the fullest information. Mr. M‘Adam furnished him with the whole of his plan, keeping nothing back; and though no specific compact took place, the noble lord at the head of the Post-office had declared that he would be entitled to a public reward. The hon. member for Surrey denied the merit of invention; and said that he had been acquainted with the system for nearly fifty years. It was strange that he had not got that system into operation, for there were not worse roads in the kingdom than those in the county of Surrey. Nothing but the greatest perseverance on the part of Mr. M‘Adam could have conquered the prejudices with which his improvement was opposed; and for that perseverance he was entitled to a public reward.

Mr. *F. Palmer* considered the services of Mr. M‘Adam as much over-rated, and that the chancellor of the Exchequer had been too easily prevailed upon to accede to a proposal for remuneration.

Mr. *Hart Davis* declared his willingness to support the present vote. Many of the roads repaired by Mr. M‘Adam had fallen under his own observation; and he could assure the House, that several which had been the worst roads in the West of England, had, by Mr. M‘Adam's exertions, been converted into the best possible state.

Sir *E. Knatchbull* said, that if he could feel assured that the present sum was to be the liquidation of Mr. M‘Adam's claims upon the public, he should feel little difficulty in supporting the grant: but Mr. M‘Adam had already received the sum of 4,000*l.*; the House was now called upon to vote a further sum of 2,000*l.*, and he believed that they would, ere long, be applied to for further remuneration to Mr. M‘Adam.

Sir *Robert Wilson* thought, that what had been said respecting Mr. M‘Adam's not fulfilling his contract was irrelevant to the present question, as he was amenable upon that ground to an action at law. He was able to bear the most unequivocal testimony to the services which Mr. M‘Adam had rendered to the public. He did not, however, estimate those services by any quantity of road that Mr. M‘Adam had laid down, or even by any quantity that had been laid down by others upon his principles, but he appreciated his merits in introducing a system of improvement, and in originating a series of observations and experiments which had almost brought our roads to an equality with the old Roman roads. As to the objections made against Mr. M‘Adam, upon the ground that he was not the inventor of the present system of road-making, he had as clear a right to the merit of invention, as could, from the nature of the case, be established. It was exceedingly difficult, generally speaking, to fix the origin of inventions, and to decide the pretensions of rival claimants for priority of invention or discovery, and the opposition to Mr. M'Adam's claims to originality seemed to be founded upon the old principle, that there was nothing new under the sun. He conceived that parsimony in the proposed grant, would not only be illiberal, and even unjust to the individual, but would eventually prove injurious to the interests of the public. Individuals had come from all parts of the empire to receive instructions from Mr M'Adam and to witness the effects of his system. These persons had diffused the benefits of the improvements in every direction, and there were very few interests in the country that did not derive very sensible advantages from the ameliorated state of the roads, arising from Mr. M'Adam's ingenuity. He should, therefore feel it his duty, upon every principle of public utility and private justice, to give the present grant his most cordial support.

Sir *T. Acland* bore testimony to the great services derived to all the active classes of society, by the improvements which Mr. M'Adam had introduced into the system of making roads, and keeping them in repair. These improvements were a source of economy to all who had to bear the expenses of making or repairing roads; and the increased facility of communication which they afforded, was obviously a source of profit to the manufacturing and commercial interests. Mr. M'Adam had received nothing from the trustees of roads; and was, therefore, the more entitled to remuneration from the public at large. That gentleman had not received 4,000*l*. for advice, as had been stated. That sum had been granted to him in payment of labour performed, and expenses incurred.

Mr. *Estcourt* declared, that Mr. M'Adam's exertions had proved any thing rather than beneficial to the roads in the neighbourhood of Devizes. He had left the roads in a much worse state than that in which he had found them. He had also thought proper to asperse the conduct of the trustees of those roads in a manner highly unjust, and in every respect unwarranted by facts or circumstances.

The committee divided. For the grant 83: Against it 27: Majority 56.

COUNTY COURTS BILL.] The resolution of the 3rd. instant being reported, Lord *Althorp* argued against any compensations being granted to officers of courts of justice, for the loss of fees arising out of the reforms made in the courts by the present bill. The compensations proposed were to be granted for the loss of professional profits, against all the known chances and vicissitudes of professional life. He objected to any compensation being made to any individual who could not prove an actual loss arising out of the present bill.

Mr. *Bright* thought the compensations proposed objectionable in principle, and pernicious in their example to the officers of all the other courts. He should hereafter think it is duty to take the sense of the House upon the measure.

Mr. *Hume* wanted to know whether, if compensations were given to those who suffered in the present instance, gentlemen were prepared to support the principle of giving compensations to all who, in any case, should suffer a loss of fees under any bills of reforms and improvement? The claims in the present case were grounded upon the argument, that the claimants were injured in offices which they had acquired by purchase. For his part, he thought that the sale of offices in courts of justice was in itself a great evil, and that the first step ought to be, to prohibit any such sale, and thereby to prevent any claim for losses sustained by a reform of purchased offices. The whole system of fees was pernicious in the extreme. As to the compensations claimed in the present instance, upon the same principle might compensation be claimed for losses by any manufacturer who had established his manufactory upon the faith of laws and treaties, and had sustained injury by a breach of those treaties, or by an alteration of such laws. But for one or two individuals in that House, the compensations would never have been heard of. The noble lord, who originated this measure, would never have consented to the compensations, but for a knowledge that, without his acquiescence in the demand, his bill would not pass. What a state were they reduced to, if they were obliged to vote away the public money, merely to prevent the opposition to a useful measure by a party personally interested in the abuses which that measure was intended to obliterate! He saw no end to the claims that might be made upon the House, if the present were acceded to.

Mr. *Grant* thought, that claims to compensation in cases like the present rested upon their own individual merits more than upon any general principle. He should support the motion.

Mr. *Wynn* begged the hon. member for Aberdeen to reflect that places, if not purchased by money, might often be said to be purchased by the sacrifice of other professional fees and lucrative practice. He conceived the principle of compensation which this measure embraced to be unobjectionable, and should give it his support.

The resolution was then agreed to.

QUARANTINE LAWS BILL.] The House having resolved itself into a committee on this bill,

Mr. *John Smith* observed, that the question before the committee was one of the utmost moment. It could not be denied by candid and inquiring men, that the present system of our Quarantine laws was a mass of absurdity and folly. In a commercial point of view, the circumstance was the more to be regretted; because it was a system affecting our trade with the Mediterranean, a sea, whose shores were, of all others, the richest in productions. There were in that system obvious anomalies to which he felt it a duty to object. So ineffectual, moreover, was it to accomplish its ostensible objects, that it was notorious that cargoes were frequently brought from countries up the Levant to Holland, where a very different and milder system of Quarantine laws prevailed, in order to effect the introduction of such goods with the greater facility into England; and yet in Holland the plague had not made its appearance for a long period of time, notwithstanding the great amount of imports into that country; nor in France or England for upwards of a hundred years. However much he had been attacked by hon. members in that House, and subjected to newspaper attacks, as a man who had declared the plague to be not contagious, the fact was, that he had never ventured to give any opinion whatever on the doctrine of contagion; neither, placed in the circumstances he was, would it have become him to have given any such opinion. In the few observations he should now submit to the House, he did not mean at all to enter into the history of this question; but he might be allowed to notice, that in the year 1819, several medical or experienced gentlemen were examined upon it. They all agreed in affirming, that this disease was contagious; but, in no other point, did they concur. In 1824, other individuals were examined to similar points; but the only witnesses examined before that latter committee were such as were decidedly contagionists, and on that principle were all agreed. One should have thought that their evidence would have concurred on that topic, therefore. No such thing. Their evidence was so unfavourable to contagion generally, that one of them pronounced Great Britain to be perfectly free from it eight months out of the year. Another medical man, of great eminence, expressed a doubt whether the plague ever passed Cape Finisterre. Thus divided were the sentiments of scientific men upon this part of the question. Upon the evidence which had been adduced in the course of those two inquiries, it would not appear that those officers called "expurgators" in some of the European ports, who examined ships coming in with foul bills of health, had incurred any fatal consequences by reason of their employment. From certain information, indeed, which he had procured from Marseilles, it did appear, that in 1720, a man of this description fell down dead upon opening a bale of cotton that had arrived in a vessel from a country subject to the infection. It was immediately said, and in the infant state of science at that day, believed, that he had dropped down dead of the plague; but this was an absurdity; for in fact he died of apoplexy. Nor was it likely that cotton goods should retain any such degree of infection; for it was known that when the plague was raging most violently, even in Egypt or at Constantinople, the clothes, bed and bedding, of the dead, were the perquisites of the magistrates; and as such were publicly sold to whoever might choose to buy them. Between the countries to which he had been alluding and Persia, there was a constant intercourse kept up; and yet, whether from the dryness of the atmosphere, or from whatever other cause it might be, a plague in Persia was hardly within any man's recollection. He felt much disposed, on principle, to support the bill which was brought forward by the right hon. gentleman, and all who heard him must be convinced of the vast importance of such a measure. Persons of the highest distinction in the medical profession had now determined, that the yellow fever, that scourge of other countries, could be no longer matter of dread to Great Britain. Upon equally high authority, it was now held that typhus fever was not contagious. Upon the whole, he considered that it was impossible, with propriety, to trust the revision of these laws to a committee. The first proceeding should be, the appointment of a commission, consisting of medical practitioners partly, and partly of men of general science and experience, charged to collect and examine into, and observe facts connected with the propagation of the plague. In respect to the recent fever at Barcelona, the most eminent physicians in France perfectly scoffed at the idea of its being contagious; and even when their famous Cordon Sanitaire was established, with the ostensible design of preventing its diffusion, they knew better than to believe that such was its real or its necessary object. Under these circumstances, he hoped the subject would be further inquired into.

Lord *Althorp* said, that, as far as the present measure went, it had his cordial concurrence. It was a strong fact, that the expurgators were scarcely ever infected with the plague; but, considering all the differences of opinion on the subject of contagion, he thought it ought to be further inquired into.

Mr. *Huskisson* said, he was one of those who felt that, if the public mind could be completely satisfied, and if it could be established beyond a doubt, that the Quarantine laws were unnecessary, it would be the greatest relief to those who attended to the execution of those laws. Among the many duties which devolved on himself and his hon. friend near him, from the situations they held, there was none which they discharged with more difficulty than that of deciding on the cases of foul bills from the Levant. But, when hon. gentlemen considered the consequences of any accident arising from the removal of the Quarantine laws, it was impossible they could weigh the present inconvenience with the probable evils. Whether the plague was or was not contagious, he would not offer an opinion. There were very strong facts to show, that, in certain climates, and under certain circumstances, it was contagious. It was impossible to look at the Report of the committee on the Quarantine laws, and see the circumstances under which the plague had been introduced into Malta, without being convinced that contagion was the mode in which it had been introduced. One case detailed was that of a ship which arrived before Malta with two infected persons on board. Before the ship came into port something was transmitted on shore which had been in contact with these two persons, and in consequence of that the plague took place. In the State of Naples the plague broke out in consequence of infection communicated by the garments of some persons, which had been conveyed to one of the villages. The place was surrounded by a military cordon, and the plague was thereby confined to that spot. These circumstances tended to throw a doubt on the theory that the plague was not contagious. The universal feeling of all countries into which the plague had introduced itself, was apprehension of danger. Under these circumstances, even if he were convinced as strongly as Dr. M'Lean, that it was impossible to introduce the plague here, yet, in the absence of such facts, and with a dread of the consequences, he thought we ought to observe proper precaution. If we were to convey an impression to other nations that we were indifferent to precautions, we should subject the trade of this country to a most severe visitation. He was not speaking this without some foundation. The consequence of the impression which had gone abroad, that we were going to depart from our Quarantine system had been, that the countries in the Mediterranean, having a Quarantine establishment, had issued an order for putting every British ship, come from where it might, under Quarantine. So far we had brought on our commerce a severe infliction, in consequence of the discussion of this question. The consul at Marseilles had acted upon the report which had gone forth; while the minister of the king of Sardinia, acting under the same alarm, had given the same orders at Genoa. He had satisfied the Sardinian minister, and he trusted the French minister would be satisfied in like manner, that we were relieving our trade from the burthens of the Quarantine establishment, and making the charges fall on the public at large, according to reason and a sound view of the case, without a relaxation of those precautions which the safety of the public might require. One great change was, that all restraints on ships coming from countries not subject to the plague, were removed. He wished it to be understood by the trading part of the community, that the government of this country were not disposed to listen to any complaints which they might make of inconvenience, so as to relax beyond what was recommended by the committee on the Quarantine laws, and that those laws, inconvenient as they might be in some instances, would be inforced.

Mr. *D. Gilbert* proposed that goods should be subject to a temperature of from 110 to 120 degrees of Fahrenheit, which would effectually destroy contagion. Under all the circumstances, he was glad that government had adopted the present measure.

Mr. *Wilmot Horton* said, he had documents from the colonies which he could lay before the House, which incontestibly proved the contagion of the plague. It was not to be wondered at that persons employed in packing goods were not subject to the plague, since one peculiar characteristic of the plague was, that it destroyed entirely the strength of the person infected, and rendered him incapable of any exertion. The goods were also packed under the influence of the sun, which might have the effect of the temperature alluded to by the hon. member who spoke last. These circumstances accounted for no infectious matter being brought over in cotton goods.

A Member, whose name we could not learn, said, that he had no doubt, from his own personal observation, that the plague was communicated in the ports of the Mediterranean by contact. So strongly were the Greeks resident there convinced of this fact, that they always locked themselves up when the plague prevailed, and there was no instance of their having been attacked by it. In Smyrna the plague came at regular periods; and, so constant was its recurrence at the festival of St. John, that it had given rise to the proverb "La festa di San Giovanni porta la pesta." Although obliged to differ from the opinion of Dr. Maclean on this subject, he expressed the highest respect for his talents, and for the fearlessness with which he had exposed his life, in order to ascertain the truth of this doubtful and difficult point.

The House resumed, and the report was ordered to be brought up on Monday.

HOUSE OF COMMONS.

Monday, May 16.

West-India Company Bill.] Mr. Manning moved the order of the day for the third reading of this bill.

Mr. *Evans* objected to the bill, because it placed the slaves in a worse condition than they were formerly. He thought, at the same time, it would ruin the individuals who were connected with it. He would therefore move, "That it be read a third time that day six months."

Mr. *T. Wilson* contended, that the company would always have the means, and, he trusted, the inclination, to protect the slaves. There never was a better time than the present for the establishment of this company, which would afford relief to the distressed planters of the West Indies, and contribute to the improvement of the condition of the negroes.

Dr. *Lushington* felt himself bound, in duty, to resist the passing of this bill. Should the plantations in the West Indies become vested in a company, instead of remaining the property of individuals, the consequence would be, that the whole management of the slaves would be intrusted to agents. Hence the slaves would be left at the mercy of an inferior class of persons, and be subjected to many new sufferings. Another objection to this bill was, that new difficulties would be thrown in the way of manumission. In the hands of a company, the slaves would become as it were vested in mortmain. The bill was also likely to impede the beneficial change in the West Indies, which parliament had frequently endeavoured to promote.

Mr. *Hume* did not think the measure open to the objections just urged. He was not aware that it would produce the slightest change in agency in the West Indies, or impede manumission. The distresses fell equally on the slaves and the proprietors, and this bill would relieve both classes.

Sir *I. Coffin* said, he was satisfied that this was a very good bill, and he hoped it would pass.

Mr. *Sykes* opposed the third reading of the bill, to which he urged three prominent objections. First, it would prevent manumission, and the exercise of kindly feelings towards the slaves; secondly, it confirmed the existing system in the West Indies, and enlisted forty thousand additional enemies to the liberation of the negroes; thirdly, the price of West-India produce would be augmented by the capital and influence of the company. Of all measures of the kind brought forward, after the resolutions of the House, the orders in council, and the acts of parliament, none seemed to him so objectionable as this.

Mr. *R. Gordon* contended, that the main object of the bill was to enable West India proprietors to borrow money of a company instead of individuals, and on more advantageous terms.

Sir *J. Yorke* could not understand what was the use of this bill, as mortgagors would not obtain money at a lower rate of interest after the passing of the bill than before it.

Mr. *F. Buxton* admitted, that there was a reduction in the value of slave property, and the operation of the bill would be to prevent persons from investing capital in the purchase and sale of human flesh. It was clear, from every principle of Christianity, that human beings ought not to be trafficked in. This bill certainly did give great power to the West-India interests. Mr. Fox had said, many years ago, that there was no interest so well represented in that House as the West-India interest; and even in a recent Jamaica paper, it was asserted that the West-India interest could put forth a phalanx of two hundred members in the House of Commons. He was persuaded that his majesty's government would not be able to resist this powerful interest; and he would therefore call on them, and on every independent member to consider well before they decided on this momentous question.

Mr. *Wilmot Horton* was satisfied, that whether we looked to the experience of past times or to analogy, it was clear that the prosperity of the master must have an obvious effect on the slave, and that as the profits of the master increased, so would the condition of the slave under him be ameliorated. He referred to the speech of Mr. Wilberforce on the subject of the Slave Trade in 1789, in support of his opinion.

Mr. *Brougham* said, he certainly entertained a decided objection to this bill—an objection which no change in its details could remove. His objection was not founded on that general slowness with which he was inclined to incorporate joint-stock trading companies; though he always felt repugnant to joint-stock companies, considering that they were mischievous when not placed under tight and close restrictions; but, his objection was grounded on the nature of the bill; and he would intreat the attention of the House to the subject, and beseech it not to suffer itself to be led away by any vain imaginations. This measure affected property all over the West Indies. It affected every slave, man, woman, and child, throughout the West India colonies. It was a measure calculated to exasperate every one of those mischiefs which were already sufficiently intolerable, as respected negro slavery. If he did not demonstrate this, he would be content to withdraw his opposition to the bill. What was it that the slaves now had in the West Indies as a security for mildness in there treatment?—[Here the hon. and learned gentleman was disturbed by a noise in the House]—If it was not convenient for hon. members to bestow a decent portion of attention to this important subject now, he should be under the painful necessity of moving an adjournment of the question, until some other opportunity, when the House was in a better frame of mind to legislate with respect to the limbs, liberty, and lives of 800,000 human beings held in bondage. He would defy any hon. member to get rid of this objection—that the only security the slave now had for any thing like mild and just treatment was, not in his own power, but the interest of his master—the feelings and affections of his owner. In the feeling and humanity of a judicious owner, the slave had something like a security; but, if three thousand miles were interjected between the slave and his owner, every man would admit that that slave had little chance of mild, kind, or just treatment. On every question with respect to slavery, the condition of the slave in this respect was alluded to. All the incalculable injuries and evils to which he was subject were universally attributed to the existence of non-resident planters. "If lord Such-a-one, who lives in London, or Mr. Such-a-one, who lives in Liverpool, were present on his own plantation, unquestionably he would prevent these mischiefs," was the universal cry, when cruelties to slaves were complained of; but he, unfortunately, trusted to his book-keeper or his overseer on the estate in the West Indies, and therefore every one concurred, that the master's absence was the great cause of all the evils that arose. That was the palliative and the excuse made on all occasions. And, what was to be the operation of this bill? Why, to create a company of 40,000 non-resident and necessarily absent slave-holders. We were here adding to absence and non-residence, the still more frightful cause of the worse treatment to the slave, namely the property becoming ideal. Suppose a plantation of one hundred negroes [here the learned member was again interrupted by a noise in the House]. It was rather curious that a little attention could not be applied to this subject. Honourable members were so wrapt up in joint-stock company speculations, or rather their friends were—for members, of course, never did such things—that they could not bestow attention on a subject, wherein the lives, the comforts, and the limbs of 800,000 of their fellow-creatures were interested. This was carrying joint-stock companies to an extent that he never expected to see. Rail roads, banks and other schemes, were well enough as subjects for joint-stock companies, but, while he held a seat in that House, he never could consent to place the lives and comforts of 800,000 men, women, and children, at the mercy of a joint-stock company. But, suppose the case of an estate holding 100 slaves, which was mortgaged to these 4,000 joint-stock company individuals—suppose every one of the slaves was maltreated—suppose the estate became the worst managed estate in all the West-Indies—to whom was he to look as a person responsible for the blood that was shed, and the cruelty and misery that were inflicted? Why, a board of Directors! If the hon. gentleman opposite, the member for Seaford, were the owner, he knew he had a humane man, and one of respectability to be responsible to him; but, in this case, he had only the chairman, the deputy chairman, and the shareholders of a joint-stock company. On this view of the question, he could only come to one conclusion; namely, that those who had been ill-used before, would be ten thousand times worse off now, and be sacrificed to a joint-stock company, trafficking in the property of human flesh.

Mr. *Baring* differed from the view taken by the hon. and learned gentleman who had just sat down. The object of this bill was not to purchase West-India estates; but merely to form a company for the purpose of becoming mortgagees of West-India property. The hon. member for Weymouth had stated, that such a project was encouraging slavery. He begged leave to differ from him; as he thought it was rather calculated to prevent the traffic in slavery, than to promote it. The traffic of slaves in the colonies arose from the distress of the masters; and this project was intended to remove that cause. He had no apprehension that a company, acting openly in this metropolis, and whose proceedings must necessarily be known to the public, would sanction the acts of oppression so much feared by his hon. friends. He could not, however, let that opportunity pass, without expressing his regret, that the traffic in slaves was still so unblushingly and barefacedly carried on by those powers who had the meanness to disavow in their diplomatic despatches, what they had not the manliness to openly acknowledge. To France he particularly alluded; in whose ports there was not the slightest attempt to disguise this odious traffic. He believed that our efforts to suppress it, had only produced the exercise of increased cruelty and inhumanity. A greater mass of misery now existed on account of this traffic, than at any period since the question was first agitated.

Mr. *W. Smith* said, that when the very important interests which were involved in the bill were considered, he could not help saying, that, in his opinion, it ought to have been brought forward as a public and not as a private bill; because, in that case, it would have received the consideration which it deserved. He was glad to hear his hon. friend disclaim any personal interest in the measure; although he was far from agreeing with him in the view which he took of it. He could not help thinking with his learned friend, that the object of the bill was, to vest the proprietorship of West-India property in a company. The hon. member had said, that this company would be responsible to the public, to whom they would be obliged to render an annual account of their proceedings. He had, however, looked in vain for any clause in the bill, which rendered it imperative on them to render any such account. The prospectus stated, that the company would divide a profit of five per cent. This was in contradiction to the opinion of Mr. Bryan Edwards and sir W. Young, who had left it upon record in their writings, that the average of such profits could not amount to more than four per cent. He was therefore inclined to oppose the bill, if upon no other ground than this, that it would fail in its object, which was, to bolster up a losing concern, and to put off to a longer period, that effectual reform, by which, and by which alone, the prosperity of our West-India colonies could be secured and confirmed.

Mr. *C. R. Ellis* said, he could assure the House, that he was as anxious to contribute to the welfare of the slaves as any man. If he thought the bill could, by any possibility, affect their welfare or comfort, he should be just as adverse to it as the most strenuous of its opponents. But, he could not contemplate any such result. One hon. and learned member had said, that the object of the bill was, to create a number of absentee proprietors. It was no such thing. The object of the bill was, to create a company, who were to carry on the business of West-India merchants; and hon. gentlemen knew very little of the business of West-India merchants, if they believed that it was confined to the purchase of West-India estates. The hon. gentleman proceeded to contend, that the situation of the negro would be benefitted, rather than injured by the bill. Some hon. gentlemen had asked, what were the real objects of the measure? His answer was, that the West-India proprietors had, from a series of distresses, been necessitated to borrow money of the merchants, on their estates, and these, in turn, feeling extreme inconvenience from the non-payments of those advances, the present bill was now proposed, and was fully calculated to relieve both parties, and at the same time to leave to the subscribers a handsome profit on their advance.

The House divided: For the third reading 103: Against it 25. The bill was then read a third time, and passed.

JUDGES' SALARIES.] The Chancellor of the Exchequer moved the order of the day, that the House should resolve itself into a committee on the act for regulating the Salaries of the Judges. The Speaker having put the question,

Mr. *Leycester* said, he thought this was not the precise time to increase the salaries of public officers, when the President of the Board of Trade was going to make corn cheaper than it had been for a long time. He thought that a third assize might be established without any increase of labour on the part of the judges. He could not see why four judges should sit together in the court of King's-bench, four in the Exchequer, and four in the Common Pleas. Three in each of those courts would be much better, and the remaining three might go on the third assize. He should take that opportunity of observing, also, that the system of the Welch judges ought to be corrected or abolished; for nothing could be more improper, inconvenient, or unconstitutional, than that the same individual, should on one day be acting on the bench as a judge, the next day as a barrister, and the third as a politician. It was also notorious, that their appointments were generally the consequence of political conduct or close-borough interest. He thought the present a favourable opportunity for correcting many evils in the mode of administering justice in this country.

The House having resolved itself into a committee,

The *Chancellor of the Exchequer* said, he felt it quite unnecessary to preface the motion which he was about to submit to the committee, with any protracted observations on the importance of the subject to which he wished to call their attention. It had always been deemed an object dear to parliament, and most interesting to the people of this country, that offices of so much dignity and importance as those of judges of the land, should be filled by persons high in the public estimation, and fully competent to discharge the great trust reposed in them. Parliament had repeatedly manifested the sense it entertained of the great importance of this subject, by affording to the judges the means of maintaining their just dignity, and by removing from that office every thing which tended to diminish the respectability of the judges, and their weight and character in the eyes of those for whose benefit the laws were administered. To these two points he should call the attention of the House, for he did not intend to enter into the general topics which had been adverted to by the hon. gentleman opposite, who, if he had done him the honour to wait, until he had made his statement to the House, would have found that he did not propose to touch at all upon the office of the Welch judges. His first object would be to carry into effect a most important recommendation of the commission which had been appointed for the purpose of inquiring into the fees and salaries of the officers of courts of justice; namely, the prevention of the future sale of various offices, which were now at the disposition of the chief justices of the courts of King's-bench and Common Pleas. He was sure the House would feel, that it was inconsistent with the dignity and personal independence of the judges of the land, that they should derive any portion of the remuneration of their services from such a source [hear, hear!]. The practice had, indeed, the recommendation of antiquity; for in an act of one of our earlier kings, which abolished the sale of offices generally, the sale of these particular offices in courts of justice was reserved. He, however, was one of those who thought, that the mere antiquity of a practice was no justification of it, if it could not be justified on more rational grounds. Upon sound principle, and upon a just view of what was due to the dignity and independence of the learned judges themselves, he thought it advisable to alter the present system. The offices in question constituted, or they might constitute—for this contingency was one of the objections to the present system—a considerable portion of the emoluments of the two chief justices. The contingent nature of these emoluments rendered the system highly objectionable; for it might happen that one judge who had held his office only for a short time, might have an opportunity of availing himself of all these advantages, while none of them might fall to the lot of another, whose services might be of much longer duration. It was manifestly contrary to all principle that the emoluments of the judges should depend on such unequal chances. There were three offices of very considerable value at the disposal of the chief justice of the court of King's-bench—the chief clerk, the custos brevium, and the clerk of the outlawries. There were several other offices, such as those of the clerk of the rules, and clerk of the papers on the plea side, which were in the gift of the chief clerk. Of course, when he proposed to take away this source of emolument from the chief justice himself, the disposal of such offices would also be taken away from his officers. In the court of Common Pleas there were various offices of a similar description, with the detail of which he should not fatigue the House; these were more numerous than in the court of King's-bench, but none of them, he believed, were saleable by the inferior officers of the court. It appeared to him to be quite inconsistent with the dignity of the judges, and with the simplicity of the administration of law in this country, that any portion of their salaries should be dependent upon the payment of fees. If suitors hesitated to pay those fees, it must be extremely painful to the judges to enforce the payment of them; and yet this was absolutely necessary, so long as they constituted a part of their remuneration. He did not at present propose to deal with the question of fees, or to discuss their general expediency; but there could be no question that they ought not to be connected with the advantage of the judges. He should propose that the fees remaining the same as at present should be collected by the same individuals, who should pay themselves a fixed salary out of them, and pay over the remainder into the Exchequer, to furnish the means of meeting the additional salary, which might be voted to the judges as a compensation for the loss of these emoluments.—With respect to the Puisne judges, a part of their salaries was also composed of fees. The salaries of the Puisne judges were made 4,000*l.* a-year by the last act of parliament; part of this was paid out of the civil list, and a portion of it was made up of fees. If the sum from the civil list, and from fees did not make up the 4,000*l.*, the difference was supplied from the Consolidated fund. The judges made returns upon oath, every quarter, of the sums they received in fees; and they were in this way rendered, to all intents and purposes, public accomptants. Such a state of things was quite inconsistent with their dignity and high station [hear!]. The House would of course see the propriety of regulating the future salaries of the judges with reference to the emoluments which they would lose by a change of system. It was difficult, if not impossible, to fix the value of these saleable offices to any individual, from the contingencies to which he had before alluded; and he would endeavour, therefore, in the first place, to consider what, under all the circumstances, would be a fit salary for so great an officer as the lord chief justice of the King's-bench. The salary of the chief justice was at present made up in various ways. He had, in the first place, 4,000*l.* a-year out of the civil list, liable to considerable deductions under the head of land-tax, &c. arising out of certain ancient arrangements. The remainder of the salary was made up by fees from various sources, the average amount of which might be taken at 9,200*l.* per annum, or perhaps more, say 9,500*l.*: from which must be deducted, the land-tax, amounting to 500*l.* a-year, which, with some other deductions, probably would leave the nett salary under 9,000*l.* per annum. Now, it appeared to him, that, looking at the importance of the office, its high influence and dignity, the sum of 10,000*l.* would not be too much. He came next to the chief justice of the Common Pleas. That was an office, as every one knew, inferior in point of rank and dignity to the former, as well as inferior in judicial importance; the emoluments attendant upon it were also inferior, and he thought it was expedient that this distinction between the two offices should still be retained. However, the lord chief justice would be also called upon to surrender some valuable patronage; and, the same principle being applicable to both offices, he considered, looking at it with reference to that consideration, that the salary of the chief justice of the Common Pleas should not be less than 8,000*l.* a-year. That would certainly be a great increase beyond the present emoluments of the office; but he thought there were many reasons why the distinction between the two offices should not be too great; for, although he was not laying down the principle, that no individual who had filled the office of chief-justice of the Common Pleas should be promoted, at any time, to the King's-bench, yet he thought it expedient to attach to the former office sufficient value to check too violent aspirations after preferment [hear, hear!]. Although he did not go the length of saying such a preferment ought never to take place; he would by no means wish it should be a matter of course. He ought, perhaps, to have noticed before, the situation of another very important judge, who, in point of rank, was superior to the chief-justice of the Common Pleas—he meant the Master of the Rolls. His was a situation very peculiar, and one of great hardship; for his salary was not increased at the period of the general augmentation, in 1809. This, he thought, was extremely improper, and the circumstance arose from the great delicacy and disinterestedness of the person who then filled the office—he meant sir William Grant. That eminent person had always declined applying for an increase, or even to state what the increase should be; and he thought a very poor return had been made for so much delicacy and disinterestedness [hear, hear!]. However, that was no reason why those who proposed the present augmentation should abstain from applying the remedy, by placing that high office on an equality with the others. He believed the emolument of the Master of the Rolls was at present derived from various sources, partly from the civil list, and partly from fees; and, on this part of the subject he must say, in regard to the fees of Chancery, that he did not mean to touch them until the report had been presented by the committee appointed to investigate the subject. Altogether, the income of the Master of the Rolls fell seldom short of 4,000*l.* per annum—a salary less than that of the vice-chancellor, and quite inadequate to the importance of the station. He laid no stress on the duties which the person filling that office had to discharge in the privy council, or, if he happened to be a peer, by his attendance in appeals at the House of Lords. This application was not founded upon particular circumstances, but on the ground of inadequate remuneration. He should, therefore, propose that the salary should be fixed at 7,000*l.* per annum. He should propose the same sum for the chief baron of the Exchequer: he had, at present, 5,000*l.* per annum, without the sale of any offices; his office was one of great importance, the execution of which required great talents, not only in his capacity of equity judge, but in the administration of the common law, on circuit. With respect to the vice-chancellor, it appeared to him it would not be doing justice if the office were left as it was. The salary, at present, was 5,000*l.* a-year; he meant to propose its augmentation to 6,000*l.* He now came to the puisne judges, connected with whose situations there were circumstances of considerable importance; and, it appeared to him most expedient that the emoluments of their situations should be such as to enable them to discharge their duties with dignity and effect. Their salary was, at present, 4,000*l.* a-year; and he was sure that any one who knew what the profession of the law was, who considered its advantages, and the vast emoluments which men of talent and character were enabled to acquire, must feel that the worst policy was, to make the salaries of the judges so low, that men of eminence and character, and high abilities, could not, with a due regard to themselves and their families, accept the office until they arrived at a time of life when they required ease, or were affected with some bodily infirmity which required a relaxation from the ordinary labours of their profession. He could not ground this increase of salary on any claim of compensation, but on the fair and sacred principle of an adequate compensation, with a view to ensure a supply of eminent and distinguished men to fill these important offices. He should wish to render the office one that men would not be anxious to get out of as quick as possible, but such as would enable them to discharge their duties with dignity and advantage. He should therefore propose that the salary of the puisne judges should be 6,000*l*, per annum [hear, hear!]. From the opinion which the House seemed to entertain, he flattered himself that the scale he had proposed would not be considered unreasonable. His only object in the proposition was, to remove from the judges those circumstances which were inconsistent with their station, and to place them in a condition to discharge the duties of their high offices with becoming dignity, and to uphold the character which the English law enjoyed, not only amongst ourselves, but in the eyes of all enlightened foreigners who have had an opportunity of witnessing its administration. He was persuaded that a mere principle of economy would never prevent the House from entertaining the proposition; although, even on the ground of economy, he was prepared to contend that the public would be benefitted by the alteration. But that was not the point: the real question was—Was it or was it not desirable to have the best qualified men to discharge the judicial offices of the country? That was the principle on which the proposition was founded; and he should feel extremely happy if, in his humble way, he had at all contributed to provide for the due maintenance of the dignity of the distinguished persons, who were called upon to fill the offices connected with the administration of the justice of the country [hear, hear!]. Before he sat down he should state, that the power of the judges to dispose of offices should immediately cease; but with regard to the Custos Brevium, and the chief clerk, the power must continue until their death or resignation; for as they had purchased their offices, it would be almost impossible to form an estimate of an adequate compensation; but, the right of the judges to the sale of offices would immediately cease on the passing of this act. The right hon. gentleman concluded by moving a resolution, embodying all the alterations he had mentioned in the course of his speech.

Mr. *Denman* said, there was so much of the principle of the statement of the chancellor of the Exchequer, to which he assented, that he should first address himself to the part of the proposition which was free from all objection. With regard to the aboljtion of all emoluments arising from the sale of offices and fees, there could be no doubt of its propriety. He was quite ready to make an adequate compensation to the chief justice of the Kings-bench for the loss he might sustain in consequence; but, beyond that he was not willing to go. Let them estimate the chances and probabilities attendant on the office, and state what the amount of compensation should be, and he was willing to accede to it; but he could see no other principle for the alteration. The same remark would apply to the Common Pleas; but he could see no reason for the necessity of approximating the two offices. It appeared to him they had nothing to consider but the mere question of compensation; and he thought an amendment should be proposed, that the chief judges should receive an "adequate compensation" for the loss of their fees. With respect to the Master of the Rolls, he understood the right hon. gentleman to have stated the salary to be 4000*l*. per annum.

The *Chancellor of the Exchequer* said, that from the fees, and the civil list, and various other sources, the salary amounted to about 4,000*l*. per annum.

Mr. *Denman*.—That rate of salary arose solely from the distinguished conduct of one eminent judge; but, if sir W. Grant had chosen to accept a salary equal to the vice-chancellor, the House was at that time ready to grant it; and he certainly thought the Rolls-court should be placed on a footing at least equal to that creation of an act of parliament, the vice-chancellor, which was an office of inferior rank. With respect to the other judges, he thought no case whatever had been made out. It might appear strange, that a person in his situation should oppose the proposition in opposition to the interests of those most respectable persons with whom he was in habits of daily intercourse, which was marked with the utmost kindness on their part, and the deepest respect and gratitude on his own; but, it was too much, that from time to time, persons connected with the government, should suggest that it would be conducive to the interests of the judges, that they should receive an accession to their income, and that, too, at the pleasure of the minister of the day. He did not find that those learned persons had come forward themselves to complain that their salaries were not sufficiently high. In 1809, they were subject to a heavy income-tax, which took away one-tenth of their allowances, and a large land-tax. He was certainly of opinion, that the incomes of the judges should be fixed. Suppose, for instance, a war were to break out, and a heavy land-tax should be imposed, it would be hard that the salaries of the judges should be lower then than at the period of their acceptance of their appointment; but he could not see upon what principle the present proposition rested. If there were any additional labour imposed, he could see the necessity for additional compensation; and he thought the judges would have acted wisely if they had refused to undertake the additional duties which were recently imposed on them; for, in addition to their own labours, by lengthening the terms, they had led to a division of the labours of the bar, which had led to the most inconvenient results to the public administration of justice. However, as that was done, although it might be very proper to increase the salaries of the judges of the King's-bench, he could see no reason why it should extend to the Common Pleas, and the Exchequer. For instance, perhaps at the moment he was speaking, being the last day of term, the King's-bench were sitting, as the court was so much in arrears of business; whereas, the judges in the court of Exchequer had all left the court at one o'clock; and indeed, in term time, they generally came down to court between ten and eleven, and rose at twelve or one. He understood the principle of the measure was, to hold out inducements to the judges to discharge the duties of their high office with propriety and dignity. But this they did at present. [hear, hear! from the chancellor of the Exchequer]. Why then, if this was so, he could see no reason why the ministers of the Crown should make them this present. It was an invidious task for any man to oppose the grant; but if it was not resisted, the same practice might be repeated from year to year. He had never heard of any gentleman at the bar who had refused an elevation to the bench, on the ground of an inadequate emolument. It was not mere emolument that made men desirous to obtain the situation, but the dignity and elevation of the office; and besides that, the certainty of its continuance for life. During the early days of active life, their fortune was realized, and after their elevation to the bench, their fortune was enjoyed and adorned; and in such a situation they should be inaccessible to every sordid feeling; but he could not conceive any mode so effectual to produce this feeling as by exciting constant hopes and fears. If the government of the country wished to consult the dignity of the bench, let them at once make it known, that the Puisne Judges need no longer expect to be raised to a higher situation on the bench; that they are not to be made peers of, or, to speak in the language of another House, relative to another profession in which the practice had proved so fatal to honourable independence, that they are never to be, in consequence of their obsequiousness, translated; but that they must look to their elevated situations as the permanent and honourable provision for the remainder of their lives. He could not see that they would be bettered by the intended addition of income in the public estimation. This bonus, as he might term it, to the judges, of 2,000*l*. a-year, would, in his mind, be injurious to their dignity. It was impossible, by any increase of salary that they could ever be raised to an equality with the great. At present, they might be said to be at the head of people of middling fortune, which was better than being at the foot of the higher order; and, though some aristocratical gentlemen in that House had treated their usual residence with so much contempt as to profess they did not know where Russel-square was, he thought they were much more respected in that quarter than they would be were they to intrude themselves amongst the wealthy inhabitants of Grosvenor-square, where he must confess he apprehended the proposed increase of salary would not screen them from feeling themselves awkwardly circumstanced. Looking at the proposition in any point of view, he could not approve it. He thought it would not increase the respectability of the judges. He would, therefore, support only that part of them which gave compensation to the Chief-justices, and an increase of salary to the Master of the Rolls.

Dr. *Lushington* regretted the being obliged to differ from any of those friends with whom he was in the general habit of voting. He, however, entirely differed from his hon. and learned friend, and it was because he thought that the dignity of the bench would be increased by the proposed addition to the salaries, that he supported the motion. It was said, that the judges had not complained of their present salaries. It was true they had never disgraced themselves by a petition to the House or to government for an increase; but, if it was meant to be asserted that they did not feel the inadequacy of their present salaries, he meant to give it a direct and flat denial. It was for the interests of justice that the government should be enabled to engage the talents of the most learned men at the bar at a time when those talents were in their prime, and when the corporeal faculties of those who possessed them were still vigorous and unimpaired. What, he would ask, was the consequence of pursuing a contrary system? Why, that when the government appointed individuals to the situation of judges at the miserable pittance which was now assigned to them, they often remained in harness until they were quite incompetent to discharge the business of the public. Such an occurrence was an evil of a serious nature; and he would rather see judges appointed at an early period of their life, retiring at the first moment when their bodily faculties began to decay, than see them promoted to the bench at the very moment when they were least able to perform the duties of it. It might be said, that there was no difficulty in getting individuals to undertake the office of judges under the present system. Allowing that to be the case, still it was no objection to the view which he was taking of this question. The dignity of the situation was certainly calculated to render it an object of desire to many members of the profession; but, was that a reason why an individual should be allowed by the public to sacrifice in its service that time and that talent, which every man ought to render advantageous to the interests of his family? It was an unjust barter to make any man give up to the public, without adequate remuneration, that time and those exertions on which his family had a powerful, and he would add, a legitimate claim. For this reason, and for many more which he should not now trouble the committee with, he greatly approved of the addition which the right hon. gentleman opposite proposed to make to the salary of the puisne judges; nor was he convinced by the arguments of his hon. and learned friend near him, that a difference ought to be made in the salaries of the puisne judges of the different courts. His opinion was, that a more desirable method than that of apportioning the salaries of the judges to the quantity of business transacted in their respective courts, would be to make the court of Common Pleas and the court of Exchequer share the business of the court of King's-bench; and instead of overloading that court with a quantity of business which it could not well perform, to provide for such a general distribution of suits among the two other courts, as would ensure to them all a fair equality of labour. The obstacles to such an arrangement were not of a very important nature. There was an objection to throwing additional business into the court of Common Pleas, because no person could plead in it who was not a serjeant. He for one could see no reason why that monopoly should not be broken up. There was, also, he understood, a difference in the amount of the fees paid in that court, and in the court of King's-bench. With regard to the court of Exchequer, he was informed that all its business must be transacted by a certain number of attornies; and that in consequence of the suitors having to pay, not only the fee of their own attorney, but those of the attorney of the court, very few actions were commenced in it. Now, if all the courts could be placed on an equal footing, and could be made equally economical to the disputants, he could see no reason, save one, why the business of the country should not be equally distributed among them, not only with benefit to the country, but also with benefit to the judges who presided in them. There was also another reason why he thought the salaries of the judges ought to be augmented; and that was the great increase of the criminal business of the country. The sessions at the Old Bailey now took up twice as much time as they did some fifteen years ago. The business of a third assize had also become a matter of imperative necessity in the counties near London; yet though that measure had been tried as an experiment for the last three years, the criminal business had been so great at the last Lent assizes, that the judges had been unable to despatch the civil business of the home circuit. And here he would take the liberty of saying, that he saw no reason why the jurisdiction at the Old Bailey, which now took cognizance of offences committed in London and Middlesex, should not also take cognizance of similar offences which took place in other parts of the metropolis which lay within the bills of mortality. There was another topic on which he wished to say a word, as it had been noticed by the right hon. gentleman who had opened this question, and by his hon. and learned friend above him. The right hon. gentleman had said, that he should raise the salary of the puisne judges to 6,000*l.* a-year, in order to give them a fixed and settled situation. He considered that as a point of the very last importance; especially when he recollected—that he could not mention the practice without bestowing on it his severest censure—that puisne judges of the court of King's-bench, and also of the Common Pleas, had been elevated to the situations of chief justices of those courts in no less than seven or eight successive instances. Such a practice he, for one, should ever deprecate; it was keeping judges in the constant expectation of preferment; and, unless judges could divest themselves of the ordinary feelings of men, was leading them to the hope of obtaining promotion to higher situations, by conforming their conduct to those modes and opinions which were best calculated to conciliate the favour of those who had promotion to bestow. In making these remarks he had no intention of alluding to any particular case; he stated that which every member must admit to be fact, who knew any thing of the feelings of human nature. It was detrimental at once to the respectability of the judges, and to the pure administration of justice, that judges should become accustomed to look for preferment to the ministers of the Crown. He did not say that any act should be passed, or regulation entered into, to prevent the Crown from exercising its prerogative in promoting a puisne judge of great virtue and exalted talent to the highest situation in his court! God forbid that he should propose any such measure; but this he did say, that such a power should be rarely exercised, and that, instead of being a matter of daily and ordinary practice, it should be an exception from the general rule, and should only be resorted to on extraordinary occasions [hear, hear]. There were one or two subjects, not altogether connected with the present question, on which he would make use of the present opportunity to say a few words. He would give the judge of the assize liberty to pass sentence at the time, upon any person convicted before him of misdemeanour, reserving, however, to the attorney-general the right, if he thought proper to exercise it, of bringing the individual up to London to receive the judgment of the court. Such an alteration in the law would be beneficial to every party. For, what was the consequence of the present system? On the one side, the time of the court of King's-bench was occupied—and this was notoriously the case in all offences against the revenue—in hearing numerous affidavits in mitigation of punishment, and often very long speeches in support of the facts sworn to in such affidavits; and on the other side, parties were frequently brought to town, and kept there at a great expense, to receive sentence, or remained imprisoned in the country for six months, in the interval between verdict and sentence, which was in itself no inconsiderable punishment. The existing system was, therefore, detrimental to the judges by overloading them with business, and wasting their time in many instances upon trifling offences, and to the culprit in drawing him from his usual avocations, and in depriving himself and his family of those exertions which he might otherwise have been making to procure his subsistence. He therefore thought, that without deviating from the effective administration of justice, it might safely be left to the discretion of the judges of assize to pass sentence in the country upon such persons as were there convicted before them of any ordinary misdemeanor.—He would now say a word or two on the proposition of the right hon. gentleman, that all fees now received by the officers of the different courts should continue to be received by them, should be afterwards paid into the Exchequer, and should thence be transferred to the consolidated fund. Now, that proposition, he thought, must depend greatly upon the nature and extent of the fees received. He therefore trusted that the right hon. gentleman would keep his mind open upon the subject, as great attention ought to be paid to the nature and amount of all fees levied in courts of justice. In some cases, it was clear, that an adequate remuneration ought to be provided for the officers who received them; whilst in other cases, where they went to swell the funds of officers who held sinecures, it might be matter of consideration how far they ought to be continued. He thought that in all cases the fees ought to be reduced to such an amount as would give a fair remuneration to the officer who received them for the duties he performed, and that whatever exceeded such amount should be abolished, as impeding and restricting the due execution of justice. The learned doctor concluded by stating his general approbation of the plan proposed by the right hon. gentleman.

Mr. *John Williams* commenced his observations by expressing his regret, that the right hon. gentleman opposite, in the measure he had just detailed to the committee, had not proposed any correction for any of the evils of the present system. His hon. and learned friend below him, who had supported the measure, had proposed several important alterations in our judicial system, which he should have been most happy to have seen proposed, or even countenanced, by the right hon. gentleman opposite. The unequal distribution of business in the three courts—the cause of that unequal distribution—the late period of life at which the judges were appointed—these and many other points, which deserved quite as much attention as the mere payment of the judges, had all been passed over by the right hon. gentleman without notice. With respect to the salaries proposed to be given to the chief justices of the King's-bench and of the Common Pleas, it appeared to him to be extremely reasonable, that an ample compensation should be made to those two magistrates for the loss of the emoluments they now received from what was thought an objectionable quarter. But, the scale upon which that compensation should be made was quite obvious —it should be measured by the loss which they absolutely sustained from the deprivation of the fees to which they had hitherto been entitled. With respect to the addition which it was proposed to make to the salary of the Master of the Rolls, and of the vice-chancellor—and for the last no reason whatever had been given—it was so trifling, that he would pass it over without any further notice. He would proceed, therefore, to the addition it was proposed to make to the salaries of the puisne judges, which he considered the most important part of the scheme then before the committee. He had listened with the greatest attention to the right hon. gentleman, in the expectation of hearing him mention some instance of an individual refusing the situation of a judge on account of the inadequacy of the remuneration; but, though he had talked about it in general terms, he had not heard him mention any such instance. He had likewise listened in vain for any mention of the time of life at which the judges were either to take up or lay down their functions. He thought that the doctrine was now exploded, that a man was not qualified to be a judge until he had become an old man; he conceived it to be almost as absurd as that a man was not fit to command an army, until he had served five-and-twenty-years, and was obliged to be carried in a litter from station to station. He contended that a judge, besides possessing learning and judgment, should also possess those corporeal qualifications, which a critic of old deemed essentially necessary to the orator—he meant a due quantity of "laterum et virium." Now, he would appeal to all those who had the experience of the last five-and-twenty years—and those who had more must be almost as old as the hills—whether the judges who had been appointed during the last twenty-five years had not, upon the average, been sixty years old at the time of their appointment. That was a period of life at which the mercer, the tobacconist, and the sugar-baker were accustomed to retire from their laborious and contemplative occupations, because their minds were as unequal as their bodies to undergo the labours of them; yet, at that very period, the learned judges of the land were put upon an arduous duty, which compelled them to undergo fatigue of the severest nature, at a time when, to say the least of it, their mental and corporeal faculties were both waxing towards decline. In other words, the public was to be served by men who, if they remained at the bar, would have been deemed incapable of serving individuals.

He had not heard that the time of a judge's service was in future to be from forty-five or fifty years of age; yet he thought that such a limitation would have been better than letting it run from sixty to eighty, or even ninety, or whatever later age was deemed the perfection of judicial wisdom. In his opinion, some such limitation was necessary; since no judge in his experience, with the solitary exception of sir William Grant, who was above all eulogy, had ever retired, or evinced the slightest inclination to retire, before the decay of his faculties. He then proceeded to notice the great disproportion of business which existed in the three courts at Westminster. He had that day heard from a learned gentleman who practised in the court of Exchequer, that all the civil causes which that court would have to try at its sittings after term, would be about seven, and certainly not more than ten. Now, in the last sittings of the court of King's-bench the causes entered for trial at Westminster alone amounted to 250. In the sittings of the court of Common Pleas for the same place the number was only 25. Now, independently of the fashion, which led clients into that court where the most popular advocates practised, there were two obstacles to the admission of business in the court of Common Pleas and in the court of Exchequer, which had been noticed already by his hon. and learned friend below him. In the Common Pleas, there was a closure as to the counsel; in the court of Exchequer, as to attorneys. The consequence was, that an overwhelming weight of business was flung upon the excellent magistrates who presided in the court of King's-bench. His hon. and learned friend had suggested a mode of distributing it more equally among the other judges; but, upon that as upon many other points, the right hon. gentleman had carefully refrained from uttering any expressions which could lead the committee to anticipate any amendment of the existing system.

Mr. Secretary *Peel* said, that the committee must feel indebted to the hon. and learned member for Ilchester for the very able though concise speech which he had made in support of the present measure. An hon. and learned gentleman opposite had said, that the most important part of this resolution was that which related to the situation of the puisne judges. At present, the clear amount of their emoluments did not exceed 3,200*l.* a-year; and the consequence was, as the hon. and learned gentleman had stated it, that during the last twenty-five years no judge had been appointed to the office until he had turned sixty years of age. Was not that circumstance, if it were correct, conclusive proof that there was something faulty in the present system? and was it not also a strong ground for conjecturing, that if the proposition now before the committee was adopted, the country would soon acquire the services of judges with those "latera et vires" which the hon. and learned member for Lincoln deemed so necessary to the just performance of their duties? The committee might depend upon it, that if a suitable remuneration were offered, there would be no difficulty in procuring the services of men of talent, whilst they were yet in the prime of life and in the full vigour of their understanding. It had been said, in the course of the debate, that the salaries of the judges were so inadequate to their support, that no man could undertake the office who had not previously amassed a considerable fortune. Now, he protested against the principle contained in that position. He maintained, that the salaries of the judges ought in themselves to be adequate to support the dignity of their station, and that it should not be compulsory upon them to defray part of their necessary expenditure out of the fortunes which they had previously acquired. Let the salary be fixed at 5,000*l.*, at 6000*l.*, at 7,000*l.*, or at any other sum which the committee might deem sufficient for the maintenance of their dignity; but, let it not be said, that a man must possess 60,000*l.* before he is qualified to sit on the judicial bench. The hon. and learned member for Lincoln had complained, that this resolution was not accompanied by any details of proposed improvements. The hon. and learned gentleman ought to have known, that as the House was in a committee for a pecuniary grant, the present was not the fit opportunity for entering into a detailed statement of any projected improvements. Though his right hon. friend had not entered into any such statement, he was sure the committee would see, that the carrying this resolution into effect would give the executive government great facility in making any such improvements, if they should hereafter be deemed necessary. At present, it was impossible to reduce the fees of several of the officers of the different courts. They had given a pecuniary consideration for their offices, and the fees therefore could not be reduced without inflicting a serious injury upon the holders of them. If, however, it should seem good to the committee that those fees should be received by the public, then those who now received them might receive a remuneration in lieu of them; and when that was done, the amount of those fees, might easily be regulated. He agreed with the hon. and learned member for Ilchester, that the future amount of those fees ought to be proportionable to the service performed. Certainly, if the purposes of justice would be promoted by the reduction of them, they ought to be reduced without delay; and one advantage of this resolution would be, that it would enable the government to make that reduction. The hon. and learned member for Ilchester had mentioned another circumstance, which was a strong argument in favour of the present measure. He had stated, that in seven or eight successive instances, puisne judges had been promoted to the chief justiceships of their respective courts. Might not that circumstance arise from the inadequate remuneration which those learned personages received? Might it not originate, nay had it not originated, from individuals of great practice at the bar, refusing to give up their emoluments for those belonging to the judge? He assured the committee that the circumstance to which the hon. and learned gentleman had called its attention had not arisen from any wish on the part of the government to exercise an undue influence over the judges, but from the reluctance of the leaders at the bar to undertake those offices with their present inadequate salaries. With regard to the remuneration to be afforded to the chief justices of the different courts, the hon. and learned member for Nottingham had said, that it should be measured by the loss which they sustained by the abolition of their fees. Now, in the case of an ordinary sinecure office, the principle of the hon. and learned member was fair and equitable enough; but, in the present case, it appeared to him to be totally inapplicable. In estimating the emoluments which ought to be enjoyed by the chief justice of the court of King's-bench, the committee ought rather to consider the amount of salary which was adequate to the office, than the loss which the individual holding it was likely to sustain. The amount of emoluments, including fees, belonging to the chief justice of the King's-bench was 9,250*l.* a-year. Now, the chief justice, by the present resolution, would not only lose the amount of the fees, but also the advantage of selling different offices in his court, as they respectively became vacant. It would be difficult to calculate the exact amount of that loss; and therefore it became necessary to fix, in an arbitrary manner, upon some determinate sum for his salary. He thought 10,000*l.* was the lowest sum which the committee could fix; but if he were asked to demonstrate why that was the exact sum of all others to be fixed upon, he would own that he was incapable of doing it. He protested against the principle of making any distinction between the judges of the different courts. As they had all to administer criminal justice at the assizes, the difference in their salaries might lead to the general belief that there was a difference in their dignity; and that might give rise to a jealousy between counties, when they found a higher judge sent to one, and a lower judge to another. For his own part, he confessed that he looked with favour upon some of the propositions of the hon. and learned member for Ilchester, particularly upon that of throwing open the court of Exchequer to all attorneys. Whether it would be equally right to throw open the court of Common Pleas to all the rank and file of the profession, he would not at that moment pretend to determine. It was a question of some importance, and required greater consideration than he had yet given it. The right hon. gentleman concluded by supporting the resolution.

Mr. *Scarlett* addressed the committee at some length; but in a tone of voice so indistinct, that only a few detached sentences of his speech reached the gallery. We understood him to say, that 10,000*l.* a-year was an inadequate salary for the lord chief justice of the Kings-bench, and below the average emoluments which he received at present. The committee ought not to take the receipts of any one lord chief justice as a scale for the remuneration of that officer, since one lord chief justice might make very great emoluments by the falling-in of all the offices at his disposal, and another might not make any from the falling-in of none. The committee ought to take the gross receipts of a certain number of years, and to regulate the salary, not by the annual emoluments of any one individual chief justice, but by the general annual average of them all. If such a calculation were made, he believed 10,000*l.* would be found less than the average annual amounts of the receipts of the office. He had heard that night for the first time, what the office of the chief justice of the Common Pleas was worth; and he thought that any one who knew the duties of both offices would prefer being chief justice of the Common Pleas with a salary of 8,000*l.* a-year, to being chief justice of the King's-bench, with a salary of 10,000*l.* a-year. He maintained, that the government ought always to have in the situation of Attorney-general an individual qualified to discharge the office of lord chief justice; and that being admitted, he contended, that the salary of the lord chief justice should be raised to such an amount, that no Attorney-general, when called upon to become chief justice of the King's-bench, should hesitate to do so, on the ground that his emoluments as Attorney-general were superior to what would be his emoluments as lord chief justice. With regard to the salary of the puisne judges—and he cautiously abstained from giving any opinion as to whether the salary of 6,000*l.* now proposed was too high or not—he argued that it ought not to be raised to such a sum as would render it likely to be disposed of by political favour and intrigue. He likewise insisted that no man ought to be called to fill the situation of judge who had not previously had considerable practice at the bar—first of all, because that practice must have procured him, unless he were an extravagant man, a considerable fortune; and secondly, because it must have accustomed his mind to the technicalities of law, and to the complicated questions which sometimes arose out of them. In proof of the value of such experience, he quoted lord Coke's declaration to James 1st, when that prince wished to decide a legal argument on a prohibition. James said, "Why am I not as fit to decide on such a question as you? You say the law is the perfection of reason, and surely I possess as much reason as any subject." Lord Coke replied to him, "Your Majesty is not fit to decide upon it. The reason of the law is a technical reason, which can only be acquired by experience; and that experience your Majesty wants."—The hon. and learned member then proceeded to state, when the court of King's-bench was filled by lord Kenyon, sir W. Ashurst, Mr. Justice Buller, and Mr. Justice Grose, five or six and twenty causes were often decided in a day, in such a manner as to give universal satisfaction; and yet at that time their salaries were much inferior to those of the judges at present. He must deny that the business of the court of King's-bench had increased of late years: on the contrary, he knew that it was not of late as great by a good deal, as it had been nine or ten years ago. It was formerly the practice of the puisne judges to go to their chambers, for the purpose of despatching the more ordinary business of law; but, by a late act of Parliament, this arrangement was infringed upon, and one judge in his turn was allowed to quit the court at three o'clock, to take upon himself the evening business elsewhere. From his own experience he must say that this departure of one of the judges was felt excessively inconvenient for the business pending at the time in full court; for it interrupted the argument in progress, and led to a postponement, often, in cases, when probably the full sitting, until four o'clock, would have finished it. With respect to the proposed arrangement regarding fees, he should say—what probably would be deemed a singular opinion—that there were some of them which he deemed bad, and would not maintain, while there were others, the continuance of which would, he thought, be beneficial. Of the former, were those taken for offices, such as the sealing writs of error, that were done by deputy. All these he thought bad; but those which he preferred to maintain, were the fees, however small, taken for acts done by the principals themselves; these he had always found conducive to the despatch of business, and on that account he was indisposed to interfere with them. As to the general measure before the House, its principle was distinct from the details upon which he had been remarking. That many reforms in the mode of administering the law were desirable and practicable, he was prepared to assert; and that some of those now prepared would have been unnecessary, if the measure of his noble friend—the county courts bill—were adopted, he was equally clear. As to the amount of remuneration to the judges, all he should say at that moment was this—that he did not think

10,000*l.* a-year enough for the chief justice of the court of King's-bench, considering the heavy and important duties which it was peculiarly his province to discharge. With respect to the salaries for the puisne judges, he thought, if called upon at all to give an opinion upon the subject, that they exceeded the necessary amount, in the view to which he had been alluding. Something had been said as to throwing open the other courts to suitors. He would not now enter into that question; but, for reasons which he could easily state, if necessary, he did not think that the opening of the other courts would have the effect at all of diminishing the business of the court of King's-bench.

The *Attorney-General* remarked, that his hon. and learned friend, the member for Lincoln, had not, when he spoke of the judges of the court of Exchequer, done justice to the business which they were called upon to discharge. He seemed to have forgotten that they had other and heavy business besides revenue causes to adjudicate. Had they not their sittings in equity in Gray's-inn-hall after term? With respect to the observations which had fallen from his hon. and learned friend who had last spoken, he begged of him to bear in mind, that he (the Attorney-general) was not the author of the bill which had altered the mode of doing business in the court of King's-bench, although he perfectly well remembered the circumstances which had led to that measure. They were these. In 1813, while lord Ellenborough presided in the court of King's-bench, there was an immense accumulation of business in that court. Some provision became necessary to obviate the serious inconvenience thereby occasioned; and the judges of the court, sacrificing their own comforts and convenience, and influenced by an anxious desire to facilitate the public business, as far as their strength would permit them to do so, volunteered to sit out of Term, and actually did sit day after day in Serjeants'-hall, for that purpose. Notwithstanding all their exertions, however, when the present lord chief justice took his seat, the arrear of business was greater than ever. The judges persevered in their efforts. But there was one inconvenience which they felt; namely, that they could not pronounce judgment, or dispose of business of a particular description; and it was to remedy this defect, that the bill alluded to, was brought in. It was therefore a little hard, with this knowledge of the sacrifice made by the judges in giving up their vacation to the public, to complain that they did not continue to give their private evening sittings in chambers. It was not just to the judges so to speak of their labours, when it must be known, that, while they sat day after day, questions of great and complicated difficulty often arose, which, from their very nature, required that they should have their evenings to themselves for the purpose of reflection and consideration. And when his hon. and learned friend alluded to the departure of one of the judges from court at three o'clock, he ought not to have raised an inference, that thereby the public business was retarded, for he knew that the remaining judges still went on with other business of an equally necessary, though not so important, a nature as that which they administered in full court. As to the general question, it was not even suggested by any of the gentlemen opposite, that the proposed alteration would give the chief justice of any of the courts a higher income than he had at present, including fees. It was, however, said, that it was difficult to estimate the value of the office from the nature of the patronage attached to it. This he denied; for he thought the estimate quite practicable. The pecuniary emoluments of the chief justice of the court of King's-bench were said to be 9,000*l.* a-year, besides the appointment, upon a vacancy, of his chief clerk. This clerkship he had either the power to dispose of, or to sell. Lord Ellenborough always kept it, and added its amount, which was 7,000*l.* a-year, until he gave it to his son, so that he must be considered as having had it for two lives, and as enjoying from his chief justiceship an income of 16,000*l.* a-year, including the value of this patronage. Compared, then, with the late lord chief justice, neither the present, nor lord Kenyon, who was the predecessor of the last, enjoyed any thing like the same income. These circumstances must be considered when they estimated the fixed and exclusive income of the office, and took from it all those fees and patronage. It was known that chief justice Eyre had, during his time of filling the office, received 30,000*l.* for offices which he had disposed of. The same observations applied to the situation of chief justice of the Common Pleas. Then, respecting the puisne judges. Let it not be supposed, as some gentlemen seemed to think, that they had puisne judges from members in that walk of the profession, who had had previous opportunities of amassing fortunes for their families. Those who thought so were not acquainted with the details of the law—they overlooked the expensive nature of the education required for such a profession, and that there was no prospect of any return arising from it, until the individual had, at least, passed thirty years of age. If he could previously support himself out of his profession, that was all he could reasonably expect. Then, suppose such a person to be made a judge when he was forty years old, what opportunities could he be reasonably supposed to have had of amassing a fortune for his family? Very few judges in his time had acquired such opportunities. But, it was said, Where is the instance of any person having refused a judicial office, upon the ground that he could not afford to support the dignity of such a station? He knew a case in point, and that was one of the most learned, and who had afterwards been one of the most eminent judges on the bench. He meant Mr. Justice Dampier, who, when offered a puisne judgeship, declined it on that account; but a few years after, when ill-health had befallen him, did apply for and obtain the office, in the administration of which he shortly after died. This was a case in point. Then, as to the amount of salary—what was 3,200*l.* to support the rank, and station, and expenditure of a judge? a private practitioner at the bar, whatever his eminence, might spend what he liked, and might live in any state he pleased; but it was incumbent on a judge to support the rank and dignity of his station. Whatever might be his individual disposition, he was obliged to assume and maintain a certain style of life, with reference to his office and his character with the public. Under these circumstances, with the present rate of remuneration, a judge could not save a single sixpence, and his family was obliged to depend upon the small savings he had been able to make before he was raised to the dignity of a judge. It was, however, within the province of parliament to consider and determine what ought to be the remuneration to the judges for their public duties. For his part, he was of opinion that the salaries of the judges ought to be augmented, and he thought that they could not be placed below what the present measure proposed. He had heard with attention the observations which had been made respecting the court of Exchequer, and he did not hesitate to state, that he should give the subject his most serious consideration, with a view to some practical increase. At the same time, he would not disguise from the House that the case was full of difficulties, and that any alteration must be effected with the greatest caution. It was very far from plain sailing here, as some might consider it. Let it be recollected that the court of Exchequer was a court of equity as well as a court of law, and that it had peculiar jurisdictions. Let it be remembered, too, that though the impediments to the approach of business were removed, though the courts were thrown open, it did not follow that business would flow in. If there were three courts sitting with equal advantages and facilities to the suitors in each, there would be one necessarily at the head. And if this were so to ever so slight an extent, it would become the favourite, and business would be mutiplied in it. The measure which he had before introduced, was intended by him always as a temporary measure. He had felt that it was not very consistent to establish permanent and extra facilities in a particular court, and join in the complaint, that there was too much business in that court, and too little elsewhere. His object was, ultimately to resort to the old system with respect to the court of King's-bench, to let the suitors have the benefit of the natural facilities, and allow the natural impediments to continue to press; for otherwise they would drain the other courts. —Again, he should be anxious not to overload the judges with business, so as to make them, as they actually were in too many instances, slaves to the technical part of the profession. He would give them the opportunity of cultivating general literature—he would allow them leisure to return to the pleasant pursuits of early years, which, he lamented to say, too many at the bar were obliged to suspend —a suspension that, in his mind, was a great drawback on the profession. When an individual was raised to the Bench, he should have the opportunity of directing his mind beyond the mere technical duties of his office—he should be able to turn his attention to what was passing in the world. This was his opinion, and he thought that if acted on, it would tend very much to the improvement of the profession. With respect to the other questions, he confessed he saw no reason why the court of Common Pleas should not be as open as any other court. He did not see why the serjeants of that court should not act in the same relation to the rest of the bar, as the king's counsel in the court of King's-bench did; and why juniors should not be admitted to argue in term in the former court. He thought he discerned a cause for the limited amount of business in the court of Common Pleas, in the diversity that prevailed between it and the other courts in the mode of taxing costs. The attorneys were compelled to pay down costs at an earlier stage of the proceedings than they were required to do in the other courts, and many of them not having capital to comply with this regulation, naturally favoured the other court. In conclusion, he would beg gentlemen to bear in mind, that when all the fees now taken were funded for the public, they would go a great way in making up the additional incomes proposed to be now assigned to the judges.

Sir *M. W. Ridley* said, that as a country gentleman, he felt disposed to give his unprofessional opinion on this important subject, and he would simply ask those who had ever any thing to do in the courts of law, and who had there witnessed the labours of the judges, whether they could reconcile it to their notions of propriety, to see men of such abilities, and intrusted with the performance of such high duties, so ill-requited for their services? He did not think the present salary of the judges sufficient. It did not allow them the means of raising any fund for their family. He trusted the committee would agree to the resolutions. It was a question in which the feelings of every man in the country ought to be interested.

Sir *C. Forbes* said, he fully concurred in the proposition. He trusted, however, that the increase of salary would not stop here, but that the proposed regulations would be extended to Scotch and Irish judges. He could not speak as to Ireland, but it was his belief that not one judge in Scotland received any fees. He believed, further, that, with one exception, there was no legal office in Scotland that was disposed of for money. The salary of the puisne judges in Scotland, he meant the lords of sessions, was only 2,000*l.* per annum; and he hoped that the House would consider it necessary to add a clause to the present bill, granting them an augmentation of 1,000*l.* a-year.

Mr. *Hume* said, he had paid great attention to the whole debate, and must confess, that he did not recollect any question proposed to the House, which had received so little of satisfactory elucidation. The introducer of the measure had laid no grounds whatever for his proposition: he had not stated that any one judge had been dissatisfied with his remuneration, or had made any claim upon the public. Why should they give larger emoluments to public servants, who made no complaint of their being insufficiently remunerated? He should really like to know how the giving larger salaries to the judges would afford them any relief from the mass of business with which it was said they were overwhelmed. But, he objected to the measure upon a general ground. The moment the House began to augment the salaries of one class of public servants, they would find themselves called upon to extend their measure throughout the other departments of government. If he saw any difficulty to obtain great talents, or sufficient industry on the bench, at the present rate of remunerating the judges, he might support the measure; but, as it was notorious that the reverse was the case, he should give it his decided opposition. In fifty years, only one instance had been produced of a lawyer declining to accept the office of judge, on the ground of its rate of remuneration being inadequate. If any commission had been appointed to ascertain the value of the places which the judges had a right to sell, the House would then have had some data to proceed upon, but at present they were called to vote away the public money, and to establish a dangerous precedent, without any evidence or ground to proceed upon. By Mr. Abbot's report, it appeared that there were forty offices under the patronage of the chief justices of the King's-bench and Common Pleas. Some of these were allowed to be sold, and the rest were in their gift. The House ought not to come to any decision until this, and all other points relating to the subject, had been examined into, either by a committee or before a commission. The step from 3,200*l.* to 6,000*l.* a-year was enormous, and beyond any increase that he could recollect ["no, no;"]. He begged pardon: he was aware that there were many instances of the

House voting away large sums of the public money wthout any inquiry whatever, but he thought that the present measure was only the commencement of a system of augmentations, and it was therefore more important than any single grant of greater amount. Money was now returned to its proper value, and instead of the government reducing the expenses of the State, they were putting it out of their power to give that relief to the country that was held out in the assurances of ministers. The present plan was ill-timed and uncalled-for, and he should give it his decided opposition.

Mr. *Tremayne* cordially concurred in the motion, and would also promote any increased facility for enabling judges, under certain circumstances, to retire from the bench.

Mr. *Denman* then said, that he would adopt the suggestion of proposing an amendment. No grounds had been laid for this motion, except inasmuch as related to the impounding the fees of the chief-justiceships of the court of King's-bench and the Common Pleas. There was no reason shown for altering the salaries of the puisne judges, except the single exception of Mr. Justice Dampier's case. Now, it struck him as extraordinary, that while the government avowed such a desire to encourage men in the prime of life to undertake the office of judges, they should have so recently appointed a chief baron who was seventy years of age. He deprecated this great interference in the administration of justice on such futile grounds, and thought it at once assailed the independence of the bench, and the public purse. With respect to the connexion between the payment and the administration of the duties, he would say this—that the best paid part of the administration of the justice of this country was by far the worst administered, and in the inverse ratio, the contrary was the case. He should conclude by moving an amendment, "that no part of the emolument or salaries of the two chief justices of the court of King's-bench and Common Pleas should in future be paid out of fees or the sale of offices; and that a reasonable compensation should be allowed the same in lieu thereof; and also that the office of Master of the Rolls should be put in point of salary, upon the same footing as the vice-chancellor."

Mr. *Home Drummond* thought that he might well recommend the Scotch judges to the liberality of parliament. He was sure he spoke the sense of his constituents when he declared, that nothing would be more grateful to them than a reasonable addition to the salaries of those very useful public officers. He gave his cordial support to the motion; at the same time, there was nothing in the amendment which he could conscientiously oppose.

The *Chancellor of the Exchequer* thought that all the objections against the measure had been replied to most satisfactorily. He did not mean to say, that there were not good grounds to consider the case of the Scotch judges; but he was not prepared to look at that question at present. One judge of Ireland had had his salary increased since any similar increase had taken place in England. He alluded to the increase granted to the Master of the Rolls in 1812. He did not view this measure as the hon. member for Aberdeen had viewed it, as a link in a chain of augmentations. He considered simply whether a set of public servants were or were not adequately paid for their labour. If other public servants were in the same condition, he should not hesitate to bring in a bill for their relief.

Colonel *Bagwell* observed, that the puisne judges in England were to receive 6,000*l.* per annum, whilst the chief justice in Ireland received only 5,500*l.* per ann. He trusted this would be attended to in the progress of the bill.

Sir *John Wrottesley* said, he had come down to the House determined not to vote for the proposition of the chancellor of the Exchequer, unless it included a plan for doing away with the disgraceful practice of judges making money of their offices as part of the emoluments of their station. He had heard with great satisfaction what had fallen from the right hon. gentleman on that head; and in the arrangements which had been proposed, he congratulated the public upon having so good a bargain. He thought that the salary of the Master of the Rolls ought to be equal to that of the vice-chancellor. He thought 6,000*l.* a-year was too much for the puisne judges. He would rather say 5,000*l.*; and if he could be sure of sufficient support to justify him in putting the House to the trouble of a division, in any other stage of the measure, he would certainly make that amendment.

Sir *F. Burdett* said, that, on so important a measure, they were invited to proceed too hastily, when they were asked for their consent to a large augmentation of public salaries, without the benefit of previous inquiry, and with so very little of detail. The proposal went upon the supposition of some necessity for raising the salaries, because competent men could not otherwise be had to fill the situations. Now, no such necessity appeared. The tribunals were never in higher credit with the public. On the ground of utility, therefore, all argument for opening the public purse was concluded. Perhaps the case was one for the generosity of parliament to act upon, in its desire to portion the judges according to the high character which they bore in the general estimation: but then, there were great differences of opinion as to the means of doing it. He himself was not able to form a competent opinion. The learned member for Peterborough was of opinion that there were fees which ought not to be abolished. On that point there was considerable variance. That learned member was in himself an authority. The difference of sentiment argued a necessity for inquiry. Perhaps there might be fees, the abolition of which would tend to retard justice. The uncertainty proved that the House had not sufficient information. He had no immediate objection to raising the salaries of the judges, if it were absolutely necessary to their dignity. His impression was, that their consequence could not be rated too high: but they must ask themselves, if the duties were not adequately performed. And, if they were satisfactorily discharged by able and respectable persons, without any appearance of deficiency as to competitors for the vacant places, then what reason was there for the addition? There might be an error as to the number of judges. If more judges were necessary, more ought to be appointed: but, it was a mistake to lay more duties upon a judge than any man could be expected to bear, and then to hope to make up the matter by an increase of salary. He paid but a just tribute to the public services of the right hon. Home Secretary in acknowledging their extent and usefulness—especially in regard to those improvements in the laws, which went to remove many errors which disgraced our code in the estimation of all the world. He would most readily accede to the increase of salaries, if it would have the effect of cheapening and hastening justice—if it would bring justice to any or every man, with little expense and little delay. For such an advantage no expense could be too high. He strongly objected to those promotions on the bench which resembled the translation of bishops, and which made the judges feel too much dependence on the Crown. The practice of raising puisne judges was justified by the right hon. gentleman, on the ground that without that prospect the salary was so low that men of eminence and ability would not accept the situations. It was a practice full of danger to the interests of justice, though it had prevailed to a great extent. If the grant of large salaries could be proved to be a remedy for the evils complained of, he would be happy to support the motion; but, in his opinion, no such case was made out, and he would not go a step beyond the amendment of his learned friend the member for Nottingham. He was most anxious that all fees should be abolished; their value should be estimated, and an equivalent given.

The *Chancellor of the Exchequer* thought the hon. baronet was mistaken in one respect. He seemed to suppose there was no information upon the subject. Now, there were two most elaborate reports upon the subject, and his measure respecting fees would be in conformity to the advice of the commissioners.

Mr. *Scarlett* thought it would be better to propose, as an amendment, that the salaries should be grounded upon the estimated value of the situations for the last twenty years. By this means he thought the public would be a gainer. He asked if the average for the last twenty years would not be a fair mode of now deciding? This measure was to regulate all future times, and certainly some consideration was necessary. He hoped the House would consider him as a disinterested witness; and he had rather that a liberal salary should be allowed the judges than the reverse.

The *Chancellor of the Exchequer* said, he owed it to the chief justice of the court of King's-bench to state, that that learned lord was totally ignorant of the salary which it was proposed to allow him in lieu of all fees, &c. The reason why an average rate had not been made was, that there were certain offices and fees, which, though emolumentary, would not come into the gift of the present lord chief justice.

Mr. *Hobhouse* said, that the rest of no gentleman had, he believed, been interrupted by the dread of wanting capable persons to fulfil the duties of judges. He objected to enlarging the salaries. It was characteristic of human nature, that a man might be tempted from his honesty by 6,000*l.* a-year, whose integrity would not be shaken by 4,000*l.* He observed, that there were 850 barristers in practice, and no less than 500 places to divide among them. In one court there were 125 places, which upon some occasion he would name one after the other. In this court one person connected with the first office in the state held four situations. These were cases far more worthy of the labours of the right hon. gentleman, than the raising of the salaries of the judges.

Mr. *T. Wilson* thought 6,000*l.* too much for the puisne judges. He would not object to 5,000*l.*

The amendment was negatived. After which, the resolutions were agreed to.

COTTON MILLS REGULATION BILL.] Mr. Hobhouse moved the order of the day for the second reading of this bill.

Mr. *Hornby* objected to the bill on account of the interference it went to effect in the apportionment of labour. It was proposed by this bill to reduce the hours of working at present assigned to the children by one-twelfth. At present they laboured in the mills twelve hours on each of the six days of the working week; and this bill went to reduce the twelve to eleven hours. But it was to be observed, that if they reduced the labour of the children, they must reduce that of the adults too; so intimately were their labours connected with, and dependent on, each other. The consequence of this alteration and reduction of the hours of labour would be a diminution in the value of the total annual production of two millions and a half. He thought the House should pause before they took any such step. For his part he protested against the measure, and should move, by way of amendment, "that the bill be read a second time that day three months."

Mr. *Hobhouse* contended, that the House had already recognised the principle upon which his bill was founded. They had legislated to protect those who could not protect themselves. A bill of the same tendency had been introduced in 1819, by sir Robert Peel; and on that occasion the right hon. Secretary for the Home Department had properly described it as being perfectly ridiculous to say that the object which it was to effect was an interference with the apportionment of labour by the masters. Now, his desire was, simply, to carry into effect that excellent statute which had long been most shamefully invaded; but he should introduce a clause, on this occasion, to compel the attendance of parties before the magistrates. His hon. friend the member for Preston, had told them, that there would be a diminution, if the bill now before them were to pass, of two millions and a half in the annual production; but, would they allow any consideration of this kind to interfere with a question that involved the health, the comfort, and the happiness of so many children? Those benevolent masters who, with a feeling superior to all considerations of their own peculiar interest, had petitioned parliament in favour of the same object as that contemplated by this bill, had candidly stated, that the increase of machinery furnished increased temptation to the masters of mills to employ children beyond the hours limited by the act. As to the interference complained of, there were already various acts of parliament in which a similar principle was recognized. There were acts, for example, to limit the hours of labour of shipwright's apprentices in Dublin; and yet Irish children, he believed, were quite as strong as those of Manchester. With regard to the medical evidence that had been furnished before a committee, and on which some gentlemen had relied as proving that seventy-two hours' labour during the week, or twelve hours per day, was not too much for a child; what weight could the House attach to the testimony of witnesses, one of whom, a medical gentleman, being asked, whether he thought a child could keep standing, without prejudice to her health, on her legs, for twenty-three hours successively, had answered "That the question was one of great doubt." Another said, that the inhaling of cotton fumes was not injurious to health; and upon being asked why it was not injurious, he answered that the effect was taken away by constant expectoration. Some person then inquired, if constant expectoration was not injurious. "That," replied the medical gentleman, "depends on a variety of facts." It was the dicta of these medical oracles upon which his hon. friend relied for his opposition to the present measure, which was only intended to make the bill of sir Robert Peel effectual, and reduce the hours appointed for labour to the time at which that bill fixed them. That bill had proved inoperative, because there was no clause in it compelling the attendance of witnesses, and only two convictions had ever taken place under it. In the best regulated mills the children were at present compelled to work twelve hours and a half a day, and for three or four days in the week were not allowed to go out of the mills to get their meals, which they were obliged to take off the floor of the mill, mingled with the dust and down of the cotton. In other mills they were forced to work fifteen or sixteen hours a day. Now, was it possible for children to live who were daily suffering under an atmosphere, the temperature of which was warmer than our warmest summer days? They scarcely bore any resemblance to their fellow-creatures after being so long subjected to this torture. Their skins were literally the colour of parchment. His hon. friend said, that if the bill passed we should lose two millions and a half of productive revenue. But, ought we to allow a portion of our fellow-subjects to be rendered miserable, for such a consideration? No. It would be better to give up the cotton trade altogether, than to draw such a sum out of the blood, and bones, and sinews of these unfortunate children. The legislature was bound to protect them. He had not taken upon himself the task of bringing in the present measure, until he had no hope that any person of more weight than himself, and more closely connected with the manufacturing part of the country, would undertake the measure. His object was only, by adding a clause, to compel the attendance of witnesses, to make sir Robert Peel's bill operative, and reduce the hours of labour to the number originally settled in it.

Mr. Secretary *Peel* said, he could not support either the original motion or the amendment. He doubted the policy of limiting the number of hours for labouring, as proposed by the hon. member for Westminster. He saw several objections to sending a bill to the Lords altering the number of hours, on the mere statement of the hon. gentleman, however unexceptionable. He concurred thus far; namely, that it was expedient to try the experiment, by rendering what was termed sir R. Peel's bill effectual, and he would give to magistrates a power to summon parties before them, and compel the attendance of witnesses. He would, however, vote for the second reading of the bill.

Mr. *W. Smith* observed, that sir Robert Peel's bill, as amended by the Lords, did not allow seventy-two hours in the week, but sixty-nine; the time for Saturday being nine instead of twelve hours. This act had been evaded in the most shameless, barefaced, and inhuman manner. Admitting the whole statement of the adversaries of the bill, there was abundant evidence to warrant the proposed reduction from twelve to eleven hours a day. He was glad that these poor children had found so active and eloquent an advocate, as his hon. friend the member for Westminster.

Mr. Tulk supported the bill.

Mr. *Philips* said, that the whole course of his experience induced him to believe, that this bill would in no degree improve the condition of the labourers. He contended, that those persons who were acquainted with the management of cotton-factories were much better able to judge of what regulations were fit to be adopted, than those who knew nothing about the practical effect of the existing laws. The provisions of sir Robert Peel's act had been evaded in many respects: and it was now in the power of the workmen to ruin many individuals, by enforcing the penalties for children working beyond the hours limited by that act. He was satisfied that the condition of the people working in the factories was much better than that of persons who worked out of them. He had heard only that morning, that the weavers out of doors did not receive more than one-third of the wages paid to the persons in factories; and the latter were besides provided with more convenient and wholesome places to work in. It would be well to limit the hours of children's working, if it were possible; but that was not possible without limiting the labour of adults. The only effect of the measures now attempted would be to deprive the children of work altogether. He was satisfied that no such number of hours as had been asserted were ever used for the employment of children. The evasions of the acts which had already taken place had happened, it was true, in the least respectable mills, where the owners were wholly regardless of public opinion. It was a great mistake to suppose that the labourers of Lancashire were under the domination of their masters, or that they had no will of their own.

The effect of this and similar acts of legislation would be to keep up a spirit of hostility between the masters and the men. They had already produced this effect. The hon. gentleman concluded by saying, that he thought this interference extremely unadvisable. The sale and purchase of labour by the workmen and their employers ought to be left wholly unrestricted. The best thing that could be done to effect this object would be to repeal all that had been enacted on this subject.

Sir *F. Burdett* said, that he could not but feel the deepest commiseration for the situation of the poor children who were the chief objects of this measure. He agreed with his hon. friend who spoke last, that no legislative interference ought to take place in merely commercial transactions; and that the sale of labour by the workman, and the purchase of it by the master, should be left wholly to their own operation. But, this did not apply to the subject before the House. His hon. friend, and others, who like him were connected with the manufactories, did not like to be interfered with; and yet they could not deny, that before the passing of sir Robert Peel's act, the greatest abuses existed in the manufactories. The result of that act had been to better the condition of all who were employed in them. But, even allowing all that his hon. friend had said in its fullest extent, still there was an end to his principle altogether as applied to children. It could not upon any grounds be contended, that these helpless children should be sacrificed to the avarice and cupidity of their unfeeling parents, and of those by whom their labour was purchased. Those parents, whatever their right might be to receive the profits of their children's labour, had no right to sell them. We heard of slavery abroad; but, good God! had we ever heard of any such instance of overworking, as had been published with respect to the labour of the children in the cotton manufactories? These wretched little beings were, in many instances, employed, day after day, for more than twelve hours at a time. Why, had any man a horse that he could think of putting to such toil? It was shocking to humanity; and it became still more odious, when it was considered that these children, if they chanced to be overpowered by sleep, were beaten by the spinners until they awoke and resumed their labours. If these representations were true—and they remained as uncontradicted—it was impossible to imagine any case which called more loudly for the interference of the legislature. Whatever the House might resolve to do with respect to adult workmen, the situation and the sufferings of the children required to be immediately provided for. He would not, since it was not intended to offer any opposition to the bill in its present stage, detain the House any longer; but he could not resist the first opportunity of expressing the strong feeling he had on this subject, and his earnest desire that children should no longer be treated in this inhuman manner. Such employment of children was scandalous. It was shocking to humanity. He knew not a more crying evil, nor one that called more loudly for the interference of parliament.

Sir *P. Musgrave* said, that he would oppose the bill, as far as the four first clauses were concerned; but to the clause which had for its object to render the present law operative he should give his support.

Dr. *Lushington* strongly supported the bill, which went to remove a most crying evil. No man, he was sure, who cherished the feelings of humanity, could oppose such a measure, or refuse to rescue the helpless beings, for whose protection it was intended, from the operation of the barbarous system of which they were the innocent victims. The hon. baronet had said, that he would oppose the four first clauses, but that he would give his support to that which went to render the present law operative. What, however, were those four clauses? The third clause, ran thus—"And be it enacted that from and after the passing of this act, no child under six years of age shall be compelled to work more than eleven hours a day." Now, he put it to any man, who had the least spark of humanity in his bosom, whether he could sincerely oppose such a clause as this. In 1819, a system of things was proved to the House revolting to humanity, and to every principle of British justice. He believed the same still continued. Adults might be permitted to do as they pleased; but he would never consent that children should be devoted to labours which unfitted them for the exercise of the duties of their more mature years, and in many instances brought on premature death.

Mr. *J. Smith* agreed, that many of the manufacturers paid the utmost attention to the health and recreation of the children they employed; at the same time, legislation was necessary to prevent malpractices among those who were not restrained by the same feelings of humanity.

Mr. *Evans* agreed that, the bill was loudly called for, and, as the proprietor of a large manufactory, admitted that there was much that required remedy. He doubted whether shortening the hours of work would be injurious even to the interests of the manufacturers; as the children would be able, while they were employed, to pursue their occupation with greater vigour and activity. At the same time, there was nothing to warrant a comparison with the condition of the negroes in the West Indies.

The bill was then read a second time.

HOUSE OF LORDS.

Tuesday, May 17.

ROMAN CATHOLIC CLAIMS.] Numerous petitions, both for and against granting the claims of the Roman Catholics were presented to the House. The Lord Chancellor having presented a petition against the Catholic Claims from the congregation of Percy-street chapel,

Lord *King* said, he could not forbear stating how this petition had been got up. He was informed, on respectable authority, that the minister of Percy-street chapel had addressed his congregation before the conclusion of the service, and told them that a petition was lying in the vestry for signature, and as the House of Peers was influenced by numbers, he recommended all the females to sign it. The clergy, it was said, had taken a religious view of this subject; but if this were true, they indeed took a religious view of it, and mixed it up with divine service, leaving to their congregation, along with other doctrines, to mark, learn, and inwardly digest it.

The Bishop of *London* vindicated the minister of Percy-street chapel. The subject had been communicated to him, and he had not found any reason to censure the clergyman. All who knew him were persuaded that a more worthy and pious man did not exist.

The *Lord Chancellor* said, that as the right reverend prelate was satisfied with the conduct of the minister of Percy-street chapel, he hoped the noble lord would not be dissatisfied with his proceeding.

The Earl of *Carnarvon* rose to express his astonishment at the conduct of this minister, and to say, that if such a proceeding were to be adopted as a precedent—if clergymen were on all questions of political importance — or of divided opinion—to mention them in the pulpit, and mingle them up with the service of religion, all respect for the established church would cease. He did expect, when the subject was alluded to, that the right reverend prelate would have expressed his disapprobation of the proceeding; but to his astonishment and dismay, the right reverend prelate had excused the clergyman, coupled his excuse with a panegyric on the man, and added reasons of his own in vindication of the proceeding. If political questions were to be mingled with the worship of God—if the clergy were to enter upon political disquisitions in the pulpit—they might expect that some individuals in their congregation should reply to them; brawling would ensue, and the place of worship would be turned into a debating society. If the bishops did not feel ashamed of such conduct, it was the more necessary for their lordships to take the regulation of the church into their own hands, and rescue it from that ruin which the neglect of its professed guardians seemed to threaten it with. The clergy had taken an active part in getting up the petitions against the measure. At first a few petitions came in from the archdeaconries; afterwards there came a few from the clergymen and some of their parishioners; and at length, growing more bold, they procured a few from the great cities of the empire. This capital, which had formerly been almost roused to sedition and rebellion by the mention of the subject, had been perfectly quiescent, or, as far as its opinion had been exposed, was in favour of the measure. He hoped the learned prelate would say one word deprecating such conduct.

The Bishop of *London* said, he was not called on by any thing which had happened, to censure the minister. He had not introduced any political discussion into the pulpit. As to the quiescence o. the capital, he could only say that he had presented several petitions from different parishes of it, against the measure. Had he used any influence, or taken an active part, he could have covered their lordships' table with petitions.

Earl *Spencer* said, he had a high respect for the right reverend prelate, but he could not sit still, and hear him say that he was not called on to censure the minister for conduct so very disgraceful and shameful. He had heard yesterday of the proceedings of the minister, and had felt shocked at them; but he was still more shocked by what he had just heard. If the clergy of the established church were to be allowed to give notice from the pulpit, and in the body of their sermons—[cry of no, no!] He had understood in the body of the sermon. The minister gave the notice of the petition at the end of the sermon, but before pronouncing the blessing with which every sermon concluded. This aggravated the case; and he should be glad to hear that his information was incorrect. He was sure no sincere friend, to the church of England, could approve of such conduct. This was the first time he had heard of such a circumstance, and he hoped it would be the last.

Lord *Rolle* said, the Catholic priests always addressed their flocks from the altar, and the greater part of them for the purpose of inflaming their flocks against the Protestants.

Lord *Clifden* said, the noble lord was grossly misinformed. The Catholic priests did not urge their flocks against the Protestants. There never was a grosser calumny. The Protestant clergy, indeed, had not set them a very good example, for they had endeavoured to light up a flame; and they might have succeeded, but they found a flame already lighted up by the two shillings and ninepence, levied in London under a statute of that tyrant Henry 8th. An old friend of his late majesty, lord Barrington, used to say, that, whenever a parson talked politics in the pulpit he ought to have his ears fastened to the altar.

The Archbishop of *Canterbury* said, he had before heard nothing of this. He mightly disapproved of the conduct of the minister, it was both irregular and improper.

Lord *Calthorpe* presented a petition from Birmingham, in favour of the measure. He was sure the great majority of all the well-educated classes of the community, except the clergy, were in favour of the measure.

The Marquis of *Downshire* presented a petition from the Protestant inhabitants of Belfast, in favour of the measure. He would take the liberty of saying that, unless the disqualifying statutes against the Catholics were repealed, it was scarcely possible that Ireland could remain an integral part of the empire; and certainly until then no capital from England could flow into Ireland.

The Bishop of *London* presented a petition from the parish of Hornsey, in the county of Middlesex, against the bill.

The Marquis of *Londonderry* presented a petition from Darlington against any further concessions to the Roman Catholics. His lordship said, he would avail himself of that opportunity to deliver his sentiments on the important subject which was soon to occupy their lordships' attention. He preferred delivering his sentiments then to waiting until those who were better qualified than himself to speak should be induced to come forward on the regular question. Having been bred up in the principles of that beloved relative whose estates in Ireland he now inherited, the House would probably forgive him for avowing those opinions at a moment when, in obedience to his parliamentary duty, he was presenting a petition that was contrary to those opinions. Their lordships would also forgive him for saying, that as he knew the sentiments of that statesman, who was one of the most efficient and honest that ever the country possessed—as he knew them better than almost any other individual—he was able to state, that of all questions, this was the one which he was most anxious to see brought to a happy termination. It was a matter of deep regret with him through the whole of his political life, that he had not been able to accomplish what he had so much desired, with respect to that question. When under the direction of that great man, Mr. Pitt, he undertook to propose the question of a union with Ireland, the confident impression on his mind was, that, without the concurrence of the Catholics, the success of such a measure was impossible. Having communicated that conviction to the government here, an understanding was entered into, which, if it did not amount to a positive pledge, was something so near it, that parliament was bound to redeem it. This he knew to be the opinion of his noble relation, and he hoped that his mind still so far actuated the cabinet of England, as to lead them to take the same view of the subject.

Lord *Dudley and Ward* presented a petition from the Protestant Dissenters of the town of Dudley, in favour of the bill. His lordship observed, that though he regretted, he was not surprised, to see the clergy of the established church presenting petitions against their Roman Catholic fellow-subjects, but it filled him both with surprise and disgust, when he saw Dissenters petitioning against the extension of that toleration to others, which was extended to themselves, and therefore he felt happy in presenting the present petition, as being more worthy of their character, and of the times in which they lived.

The Duke of *Sussex* said, he had a petition to present to their lordships in favour of the bill, which though not very numerously signed, contained some respectable names that must have an influence upon any assembly. The opinions of the petitioners perfectly conincided with his own. The persons who had signed it had none of them changed one religion for another. They were, the archdeacon of Sudbury, and three other eminent persons, with whom he was intimately connected. His right reverend friend the bishop of Norwich, could bear witness to the respectability of the signatures.

The Marquis of *Lansdown* presented a petition from several members of the universities of Cambridge and Oxford, in favour of the Catholic claims. It was signed, he said, by two heads of colleges, a majority of the professors, and 80 or 90 other members of Cambridge university; but it was not so numerously signed by members of the other university, because the petition could only receive the signatures of such of the latter as were in London, there not having been time to send it to Oxford. Connected as he was with the university of Cambridge, it was with the greatest gratification that he beheld attached to this petition the names of the professor of Greek, of Arabic, of geology, of anatomy, of astronomy, in short of all that was distinguished for learning and enlightened talent in that great university, thus giving a bright example of liberality to the country.—The noble marquis presented a second petition, to the same effect, signed by 100 graduates of Oxford and Cambridge. His lordship then stated, that he had to present another petition, which possessed strong claims on the attention of the House. Their lordships would remember, that a short time ago he presented a petition from Dublin, signed by several Protestant peers, bankers, merchants, and others, praying that relief might be extended to their Catholic fellow-subjects. The petition he now held in his hand, which was to the same effect, contained the signatures of a great many individuals of property who had been prevented from putting their names to the former. It was signed by ten Protestant peers, who were not peers of that House, and by a great number of bankers, merchants, and landed proprietors, not members of either House of parliament; and it might be taken as representing the sentiments of the great bulk of property in Ireland—the noble marquis also presented a petition signed by 7,000 members of the established church, inhabitants of Liverpool, who represented property to the amount of six millions sterling, praying that the Catholic claims might be conceded.

The Duke of *Devonshire* said:—My lords, I rise for the purpose of presenting to your lordships two petitions in favour of the bill now pending in this House, in favour of the Roman Catholics. The first is from the Protestant inhabitants of the county of Waterford; the other is from the inhabitants of the town of Bandon, in the county of Cork. My lords, the petitioners in both cases humbly pray that your lordships will be graciously pleased to remove the disabilities under which their Roman Catholic fellow subjects at present labour. They pray this, first, because they conceive that no religious opinions ought to operate as a ground of exclusion from political rights and privileges; and secondly, they pray it as the only means by which permanent peace and prosperity can be diffused throughout Ireland. My lords, the petition from Waterford is signed by a large majority of the Protestants of that county, and may be fairly considered as expressive of the opinion of all the Protestants most distinguished for rank and property in that part of the country. The other petition is, as I have already stated, from the Protestant inhabitants of a town heretofore distinguished for its hostility to the claims of the Roman Catholics, and yet such is the liberal and enlightened feeling which prevails, that the most opulent and leading Protestants of that town come forward and beseech your lordships to remove those disqualifications under which the Catholics have so long and so unjustly laboured. My lords, we have every day fresh, and convincing proofs of the change of opinion which prevails in Ireland upon this vital question. Your lordships have been called upon by petition after petition (coming, too, from the former opponents of the question), to abolish those odious distinctions which separate Protestant from Catholic, and by a timely and salutary concession, to conciliate that hitherto divided and unhappy country. Your lordships must be aware that this call is made upon you, not by any sect or party, but by the great body of the people of Ireland. You have all classes and all persuasions imploring you to give your sanction to that just as well as politic and healing measure, which has been adopted by the other House of parliament; and let me ask, will your lordships venture to refuse the prayer of an entire nation? If any danger is apprehended from granting the claims of the Roman Catholics, I ask by whom is it apprehended? Is it apprehended by the population of England, who are essentially Protestant? Surely no noble lord who hears me will venture to make such an assertion. Is it apprehended by the Protestants of Ireland, who are but few in number compared with the Roman Catholics? Why, my lords, that it is not is proved to you beyond a possibility of doubt, by the petitions of the leading Protestant noblemen, landowners, merchants, and gentry of that country. Then, my lords, when you find that no danger is to be apprehended in England—when you find that the Protestants of Ireland anxiously seek to have their Catholic fellow-subjects elevated to their political level—nay more, when you hear them state, that upon the carrying of this measure depend the peace and prosperity of Ireland—and when, in addition to all this, you take into consideration the justice as well as the expediency of the measure itself, how, I ask, can your lordships refuse your assent to this Bill? For twenty-five long years has this question been agitated in parliament; and, during that period, it has been the advocacy of the most able and enlightened senators of our times. The measure has been repeatedly lost; but it has, notwithstanding, been progressively gaining friends and supporters, both in Ireland and this country. Year after year has it gone on, making converts of the wealthiest and most intelligent men in the empire. And I say, my lords, that it is a question which must not be allowed to sleep. The present moment is, in my opinion, the most favourable that can be selected. We are at peace with all the world, Ireland, as well as this country, is not only tranquil, but increasing in prosperity. You have, in addition, the petitions of a great portion of the people in favour of the measure, but, above all, you have the vote of the other House of parliament in its favour. Let me then, adopting the prayer of the numerous petitions which have been laid on the table, implore your lordships to complete the good work which has been so auspiciously begun: let me implore you to give, by your decision to-night, that peace and tranquillity to Ireland, which she never can otherwise permanently enjoy. If you neglect the opportunity which is now offered to you, who will venture to say that concession may not come too late? I call upon your lordships to remove those disabilities which have hitherto been a stain upon the history of Ireland, and a disgrace to this country. If you neglect the present opportunity, upon your lordships' heads be the responsibility. The question may be lost to-night, but the day cannot be far distant when it must be carried. What noble lord will venture to say, that the Roman Catholics can be permanently excluded from the privileges of the Constitution. No one will venture such an assertion; and if so, why not at once do that which is not only an act of justice in itself, but comes recommended to you as an act of wise and sound policy by the enlightened Protestants of Ireland? My lords, I heartily rejoice at finding that the introduction of this great question is in the hands of those who are so fully adequate to its support, and can only add, that it shall have my most cordial and anxious support. Upon the decision to which your lordships shall come to-night the fate of Ireland depends. I sincerely hope that that decision may be such as to do credit to ourselves, and to wipe out the stain which has been cast on our national character, by the removal of a set of unnecessary, and, therefore unjust, restrictions. I trust that we shall, by our vote to-night, unite the whole country in peace, tranquillity, and unanimity of feeling.

Earl *Grey*, after presenting several petitions in favour of the Roman Catholic claims, said:—I have now, my lords, to present to this House a petition of a similar description, which has attached to it the signatures of the duke of Norfolk, and the other Roman Catholic peers, the signatures of the Roman Catholic prelates and clergy, and also of the ancient Roman Catholic gentry of this kingdom. This petition is, as I am informed, signed by upwards of thirty thousand individuals, many of them of the very highest rank, character, and respectability; and they pray the repeal of those disqualifying laws and regulations, to which, for no fault of theirs, they have been so long and so unjustly subjected. They complain that these restrictive measures have been continued in force against them upon no other ground than their belief in a particular creed, which it did not depend on their will to change; and that upon that ground only are they excluded from a participation in the blessings of the British constitution. My lords, the petitioners address you with the utmost respect; but they address you with dignified firmness—they address you in the tone of men who are suffering under disabilities which they entertain a proud consciousness of not deserving—they address you in the tone of men who feel that they are deserving of a participation in all the blessings and privileges of the constitution; and they tell you mildly, but firmly, that while their disabilities continue, they will never cease to complain. They appeal to their past conduct as a contradiction to the foul aspersions with which they have been assailed. They challenge your inspection of that conduct; and they proudly assert, that their claim to an equality of rights and privileges with their Protestant brethren is incontrovertible. They call upon you to inquire into their principles; they invite you to inspect the morality of their conduct, and the propriety with which they discharge their social duties. They boldly assert that they have ever been distinguished for as active and disinterested a zeal for the rights and liberties of this country (unless, indeed, where they have been impeded by the impolitic and jealous spirit of the laws) as the most loyal of their Protestant fellow-subjects. My lords, they not only do this, but they repel, as unjust and totally unfounded, those charges, which impute to their religious opinions, any thing unconstitutional, or in any wise contrary to subordination and good government. But, my lords, they go further; they refer your lordships to that period of our history, when their Catholic ancestors made the most powerful and decided stand against Papal usurpation. They call your attention to those exertions of their Catholic ancestors, which achieved some of the dearest and most valuable privileges of Englishmen. They broadly assert, backed by such authorities, that there is nothing in the character or tenets of the Roman Catholic religion which ought to exclude them from the full enjoyment of their civil rights and privileges. And, in proof of this assertion, they call your attention to the modern history of different countries around you. Look at Switzerland, a country consisting of Protestant and Catholic cantons (and the latter, by the way, not the least remarkable for the liberality of their institutions) there the people are bound together by one bond of amity, and differences on the ground of religion are unknown amongst them. Look at France—there you find that a Catholic sovereign has granted an equality of rights and privileges to his Protestant subjects. Look at the Netherlands—there you will find that several Protestant states are united under one government with the Catholic provinces formerly under the dominion of Austria; and there all enjoy an equality of rights and privileges, and that, too, under the special sanction of the king of Great Britain. In Hanover, also, under the auspices of the same beneficent sovereign, there exists no civil disqualification on the ground of religious opinions. In Canada, not the least important of our possessions, the established religion is the Roman Catholic, and yet no inconvenience, no disaffection, no ground of civil disqualification, is found to exist. In the United States of America, a country which has advanced in civilization and prosperity with a rapidity almost surpassing belief; the business of the state is not only not impeded but facilitated by the total extinction of all predominance of sect or religion. That great and increasing power has been peculiarly careful to avoid giving encouragement on the one hand, or of holding out disqualification on the other, on the ground of religious opinions; and by so doing, she has succeeded in raising herself to her present pitch of greatness and glory. —My lords, the Roman Catholics, whose petition I have had the honour to present, repel with indignation such foul and false aspersions as those which have been attempted to be cast upon them by petitions such as that presented to the House to-night. A petition which came, as I understand, from a person who was once a clergyman of the Roman Catholic church, but who is now described to be a reverend divine of the church of England. The Roman Catholics, I say, deny the charges thus attempted to be cast upon them, and assert, that they are as ready as their Protestant brethren can be, to stand forward in defence of the Crown and constitution of these realms, against the attacks of any foreign prince, potentate, or power, that may assail them [hear, hear, hear!]. Upon these grounds they once more, and with undiminished hope, implore your lordships to take into your consideration the justice of their claims; and I, my lords, beg to add my prayer to theirs, and at the same time to remind you of the danger with which your refusal to do so may be attended. It is in vain to tell me Ireland can much longer be excluded from the pale of the constitution. Reflect then, I beseech you, upon the inexpediency of not doing that now, which it is evident you will be obliged to do ere long. The petition which I have just presented to your lordships comes from a set of persons who have been described by the noble lord opposite as most peaceable and loyal subjects, and who so distinguished themselves at a period of danger and distress. The measure which it supports comes recommended to you by the leading Protestants of the sister country. They tell you that they anticipate danger, not from the bill being carried, but from its being refused. This opinion has been powerfully impressed upon your lordships by the noble duke who has just presented some petitions in favour of the bill. It comes recommended to you by the vote of the House of Commons, who have now, for the second time, sent the bill up to your lordships. And it should be recollected that the feelings of the House of Commons, at a period like the present, are no bad criterion of the feelings of the country; for a general election being at hand, it is not likely that they would act in direct opposition to the opinions and wishes of their constituents. Some noble lords have endeavoured to prove by the petitions which have been sent to this House, that the feeling of the country was against the measure, while others have attempted to detract from the weight of those petitions, by describing the characters of the persons who originated them, and the means by which they had been got up. It is not my intention to decide between these conflicting opinions, but this I may venture to say, that from all I have been able to learn personally; from all I have been able to collect from those whom I conceived to be best informed on the subject, and taking into consideration, that not one county meeting has been called by the opponents of the measure—that hardly any great town has petitioned against it; or, at least, that we have had no petition from any great town without having an opposite petition from the same place; taking into consideration, too, that wherever a meeting has been called against the measure, it has ended by adopting Resolutions in its favour; I say, my lords, taking all these things into consideration, I have a right to conclude, that if the sense of the country be not strongly in favour of the Roman Catholics, it is not hostile to their claims [loud cries of hear, hear!]. I have a right to conclude that the terror and alarm, at one time so prevalent in this country, have subsided; and that had we a ministry who were not divided on the question [loud cries of hear, hear!]; had we not a ministry whose opinions are so much at variance that they abandon their duty, and leave the management of affairs to a kind of chance-medley [hear, hear!], it would be found that our difficulties would vanish, that our obstacles would be removed, and that this great measure of policy and justice, this act of benevolence and favour, would be passed into a law, and would at once and for ever set at rest those jealousies and disquietudes which at present exist; and we should find in their place that mutual good will and Christian charity which it is the wish of every good man to see established in society [hear, hear, hear!]. We should then have a set of men worshipping their God, perhaps in a different form, but certainly upon the same great Christian principle [hear, hear, hear!]. My lords, I have every respect for the right reverend bench of bishops; I believe them to be a set of pious men, who would not utter that which they did not believe to be true; but, from their rank and station in society, their feelings and opinions upon this question, must necessarily be known; and, my lords, we are all aware that there are not wanting those who would seek to recommend themselves by the getting up of such petitions as those which have been presented to your lordships against the claims of the Roman Catholics [hear, hear!]. Be this as it may, we know that active endeavours have been made to get up such petitions; we know, too, that in a great many instances, the promoters of a great many of those petitions were unsuccessful [hear, hear!]; that they should continue to be unsuccessful it would, perhaps, be presumptuous in me to state, but if they do continue their efforts, and succeed in them, I feel convinced that they will be productive of the most fatal effects, as they will revive those animosities and angry feelings which are now extinguished and buried in oblivion [hear, hear!]. That they may fail in their efforts is my most sincere and heartfelt wish; that they have already failed in numerous instances, I am firmly convinced. Let me implore your lordships to act upon the recommendation of the noble duke who has preceded me; let me implore you to conciliate Ireland by the adoption of this measure. If you do so, instead of a mere union of law, you will establish a union of interests and affections [loud cries of hear, hear!]. I find that every noble lord around me opposes this question as a question of time. That it must be carried at no distant period is beyond all doubt. But let me ask, is it possible that any period can be more favourable than the present [hear, hear!]? And if this be conceded to me, let me ask who will take upon himself the responsibility of refusal and delay? The noble duke has told you, that the present moment is favourable; he has told you too, and truly told you, that yet a little while and it may be no longer so. Let me beseech your lordships to attend to this warning, and to do, while it is yet time, that which is recommended to you equally by policy and by justice [hear, hear, hear!]. If you do not grant these concessions now, the period may not be far distant when you will offer them, but offer them in vain [hear!]. The present times are prosperous, but, my lords, all human prosperity is frail and fleeting. True it is, that we are at this moment prosperous, but who is there that does not perceive certain clouds rising above the political horizon, which ought to induce a wise and cautious legislature to prepare for the coming storm [loud cries of hear, hear, hear!]? You may at present, without the slightest suspicion, grant to the Roman Catholics, as a matter of grace and favour, every thing which they seek at your hands; but refuse them at present, with a little longer, and you will bring into play those passions and angry feelings which men, deprived of their rights, are apt to entertain: you will do to Ireland that, which at a former period you did to America, but God grant that it may be without a similar separation, and God grant too that it may be without producing other effects not so easily remedied as were the disasters of the American war. My lords, I move that this petition be brought up and read. The petition, which was of extraordinary dimensions, was read and laid on the table.

Roman Catholic Relief Bill.] The Earl of *Donoughmore*, in moving the order of the day for the Second reading of the Roman Catholic Relief bill, commenced his observations in a very low tone of voice. If Roman Catholics, he observed, were, on account of their religious opinions, to be deprived of those privileges which were enjoyed by other subjects of the state, then there was an end to the freedom of the British Constitution. Englishmen talked of liberty and freedom, and so forth, more than any other country of Europe, while they deprived six millions of Catholics of their liberty of conscience. On their behalf he now moved the second reading of this bill, reserving those observations which he had to make upon it to a future opportunity.

Lord *Colchester* rose and said:—My Lords: My view of this important measure is so different from that of the noble earl who has opened this debate, that although he has abstained from offering any arguments in support of his motion, I am, nevertheless, desirous of taking the earliest opportunity of stating the particular grounds of my opposition to it.

It is true, that the circumstances under which we have to enter upon this discussion are, in some degree, novel; but the original ground and character of the measure itself remain unaltered.

Of those occurrences which are new, the first and most prominent has been the systematic intimidation with which the Roman Catholic demands were proposed in Ireland before the commencement of the present session by the Roman Catholic Association in Dublin; but that manufactory of sedition and possible insurrection has been put down by the wisdom and firmness of parliament. Another new occurrence is, the extraordinary tranquillity which at present pervades the whole of Ireland; but this very tranquillity is not less alarming than the disturbances which preceded it, if it should appear, that both have been produced and maintained alike by an authority which the state does not acknowledge, and over which it has no control. And another new occurrence is, the parliamentary inquiry in which both Houses have been so deeply engaged respecting the general state of Ireland and its grievances; but the result of that inquiry, so far as it has proceeded, however important and beneficial in many points of view, has by no means removed the fundamental objections to the present measure; and the flood of petitions which has poured in upon us, plainly proves that such a measure is adverse to the general feelings of the nation.

Throughout the last twenty years, we, who are opposed to the Roman Catholic claims, have, nevertheless, shown at the same time a perfect readiness to admit our Roman Catholic fellow subjects to a full participation in all the employments, emoluments, and honours of our common country, short of political power, but that concession we have always resisted. And after all we have yet heard, and all that we have yet seen, I say that we must resist it again to day; and here make our determined stand.

To demonstrate this necessity, it will be sufficient for us to consider—what is the present position which the Roman Catholics occupy; what are the further privileges which they demand; what are the dangers which must result from conceding those demands; and what are the means which such concessions would place in their hands for the destruction of our Protestant constitution in church and state.

In their present position, the Roman Catholics have—the full protection of the law for the free and unrestricted exercise of their religion; and if they require more complete protection, as has been surmised, they have only to point out the defect, and parliament has shown no unwillingness to afford such redress.*

In the possession of property, they are as free and secure as any other subjects of the British empire, notwithstanding all their tragic declamations against penal laws respecting property, which have been repealed for more than half a century: or again; if it can be shown that they are not so secure as the ends of justice require, with regard to the registering of oaths, or any such requisites, they ought to be made secure, and have their titles quieted.*

As to civil employments, they have already free admission into all the various departments of the revenue; and at the bar, these is no impediment whatever to prevent their obtaining, by patent, that precedency of rank to which their relative pretensions may entitle them, for their own emolument, the convenience of their competitors, or the benefit of their clients.

The army and navy have been long since thrown open to them, with the whole career of military service and honours.

But what they ask now, and ask of your lordships this day, is, to open for them a broad and direct path to political power, for admission to the two Houses of parliament; secondly, to all the high judicial offices, the highest alone excepted; and thirdly, to the Privy council of the sovereign, which in other terms designates all the ruling power of the state at home and abroad; the whole domestic government, the lord lieutenancy of Ireland alone excepted; and all the governments whatever throughout all the foreign possessions of the empire: and to all these high offices and privileges, they demand of us at once by this bill, without any of the pretended securities contained in their former bills, an entire, complete, and unconditional, admission. Truly, my lords, we may say of them who so approach us,

> "Hi ad nos gladiatorio animo affectant viam."

Against these pretensions, they challenge us to show what are the dangers of such concessions, and how the existence of any such dangers can be established by proof. We answer, that the danger is manifest, and the proofs abundant, and the amount of the danger in no degree abated by any of the projects hitherto devised for that purpose.

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* See O'Connell's evidence before committee of House of Commons, 1825, p. 112.—For extending English act respecting places of worship, 31 Geo. 3. to Ireland.

* See as to marriage laws, O'Connell's evidence, ut supra, p. 106, 107; and as to registration of oaths, ibid. p. 109-111.

The danger is itself nothing less than what their own leaders proclaim; it is the plain drift and end of all their language and endeavours; and if they do not so intend, they would not be zealous and sincere Roman Catholics; namely, to begin with the destruction of our church property and its endowed establishment. Equality of rights they cry, but domination they mean. And nothing less can result, whatever they may profess to begin with, than the gradual re-establishment of their own church in Ireland; practically destroying that fundamental article of the union, which has established one Protestant Episcopal church for England and Ireland; and finally dissolving in both countries the whole connexion of a Protestant church and Protestant state, which forms an essential principle of the British constitution.

The proofs of this spirit are abundant. Other persons more learned may draw them from other times; but I shall be content to take those chiefly of a later date, and such as are open to the observation of us all. Proofs of Roman Catholic hostility to our established church and its clergy, of their imperfect allegiance to the state, and of their intolerance to all, even to those who now blindly concur in supporting them.

Mark the language of their leaders, ecclesiastical and political. The boldest and most prominent of their churchmen, whose learning, talents, and views are all equally remarkable, I mean Dr. Doyle, the titular bishop of Kildare, in a publication addressed last year to the lord lieutenant of Ireland, and adopted by the leaders of the late Roman Catholic Association as the full vindication and true statement of their principles, expressly denies the justice of those laws by which the established church of Ireland hold its property, * opinions which he has again maintained in his evidence on oath: all this, if not to be blamed in him, is not very encouraging to us.

In the same spirit, the same ecclesiastical authority, and adopted again by the same Roman Catholic Association in a publication, dated Carlow, 13th May last year, expressly declares that "The ministers of the establishment as it exists at present, are and will be detested by those who differ from them in religion." See, my lords, how long this detestation is to endure,—and he adds, "the more their resistance is enforced and their numbers multiplied, the more odious they will become."*

So much for their disclaimer of hostility to the Established church and its clergy.

Upon the question of allegiance, and let it always be remembered that this bill extends equally to Great Britain and Ireland, observe first, That the king's Protestant subject swears, that he will disclose all traitorous conspiracies whatever, which shall come to his knowledge; the Roman Catholic priest excepts, out of that disclosure all that knowledge, probably the most important to the state, which come to him by confession; and the Roman Catholic bishop takes an express oath that he will not disclose the counsels of his foreign sovereign to any man; "consilium Domini Papæ nemini pandam;" shewing the plain traces of a foreign jurisdiction in spirituals producing temporal effects.†

In the next place, consider well how the English Roman Catholics deal with the oath of abjuration, and how the Irish treat it, as to the Protestant succession. Doctor Milner, vicar apostolic of the holy See, for the midland district of England, in the year 1813, put forth a publication against the oath proposed by the bill of that date, and asserted, that, "no conscientious Roman Catholic could swear to do more than submit to the Protestant succession to the Crown; but *could not swear to maintain, support, and defend it.*" Dr. Doyle, the organ of the Roman Catholic church of Ireland, and the adopted champion of the Roman Catholic laity, denies this distinction, and pledges himself and his church to an active allegiance; are we, then, to have one oath of allegiance for Ireland, and another for England? Or rather, to measure them in both cases, by the rule laid down long ago, and again by pope Pius 7th, so late as 1809, "that no oaths are binding in such cases, if taken to the prejudice of the church and religion." But doctor Doyle does not leave us finally in doubt, for in the same publication, approved by the same Roman Catholic association, he puts the supposed case of a rebellion in Ireland; which we find by his evidence is a just cause for excommunication.* And he tells us that "if a rebellion were raging from Carrickfergus to Cape Clear, no sentence of excommunication would ever be fulminated by a Roman Catholic prelate."

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* See "Vindication," &c. p. 38. "Proceedings of Irish Roman Catholic Association," 8vo. p. 63. 69; and Dr. Doyle's evidence before the Commons, p. 216; and before the lords, p. 376.

* See Letter to ——— Robertson, esq. M. P. signed James Doyle, dated Carlow, 13 May 1824. See also, proceedings of Irish Roman Catholic Association, p. 345. and 393.

† See Dr. Doyle's evidence, Lords' Rep. p. 500, and Dr. Murray's, ibid. p. 412.

So much for the perfect allegiance, and the active loyalty of the Roman Catholic church to a Protestant government, for conscience sake.

And as to the unalterable spirit of intolerance of the Roman Catholic church towards all others; the highest authority in that church, and acknowledged by them to be such at this day,† Bossuet, the celebrated bishop of Meaux, has declared, that "The church of Rome is the most intolerant of all Christian sects. It is her holy and inflexible incompatibility which renders her severe, unconciliatory, and odious to all sects separated from her. They desire to be tolerated by her, but her holy severity forbids such indulgence. The exercise of the power of the sword, in matters of religion and conscience, is not to be questioned."‡ What that sword means, is exemplified in the famous revocation of the edict of Nantes; and his illustration of it may be read amongst those splendid models of modern eloquence, in one of his "Oraisons Funèbres," where he praises Louis 14th, for his piety in commending that persecution, and praises the chancellor of France, Le Tallier, by whom that ordinance was sealed, and carried into full effect, for the *extermination of heretics.*

In the same never-changing spirit, the late pope so recently, in 1808, proclaimed to all Europe, that the See of Rome refused toleration to other modes of worship; the same spirit has since restored the order of Jesuits, and re-established the Inquisition, and the present aspect of religious affairs in France must naturally increase all our alarms.

So much for the unchanged, and unchangeable intolerance of the church of Rome, wherever she can extend her empire.

My lords, to obviate and reduce the amount of these dangers, I am well aware that several collateral arrangements have been proposed; and with respect to Ireland, a project for what is called a state provision for the Roman Catholic clergy, which it is suggested, may help to disconnect the Roman Catholic clergy from their flocks, by endowing each parish and diocese with some fixed stipend, for the incumbent; a sort of regium donum, settled by law, in consideration of which, we are to incorporate the Roman Catholic laity with ourselves, and render them our harmless associates in the ruling powers of a Protestant state.

To-day is not the time for arguing the details of such a question; no such bill has yet reached us; nor does it appear that any minister of the Crown has declared himself to have received the king's commands to recommend any grant for such a purpose. But as this possible project has been used as an auxiliary argument for supporting Roman Catholic emancipation, as it is called, I must take leave to say thus much upon it.

I object to it per se, as erecting an endowed and perpetual Roman Catholic church within this realm; a thing unheard of since the days of the Reformation.

And I object to it, that it will increase the power of the hierarchy, and also the mischievous influence of the priests over their flocks; for they are to have the money of the state given to them in one hand, and with the other they are to take also from their flock a portion of their present fees, which fees their clergy tell you, they would not give up, and which they tell you, moreover, "it is incompetent to your legislature to prohibit them from taking."*

Another collateral measure is, the domestic nomination of the Roman Catholic bishops, which this very bill seeks to establish, a nomination by their deans and chapters; for though some of your lordships may not be apprized of it, they have the ready-made frame of an established

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* See Dr. Doyle's evidence before the Lords, p. 506.

† See Lords' Rep. p. 329, and 429.

‡ See Hist. des Variations Sixième Avertissement, and Livre X. And his Oraison Funèbre on the chancellor Le Tallier.

* See Dr. Doyle's evidence, Com. Rep. p. 180. 184.

Roman Catholic church in Ireland, in full array and full force against the first favourable opportunity of ousting their Protestant rivals. Their bishops are to be named by their respective deans and chapters; unless, indeed, the pope should choose to exercise his own right of appointment; for the highest authority amongst them allows, that the pope may appoint them even at this day, and may even appoint an alien, if he so please. But be they named by whom they may, they are to be nominated at all events, without allowing to the king of this country any control, direct or indirect, in their appointment; a power,* more or less enjoyed by every other non-Catholic sovereign in Europe. Nor will they allow to the king of this country, even with the consent of the pope himself, that very control, which the same sovereign does exercise as king of Hanover, over his Roman Catholic subjects in Germany.

This very bill also provides a commissioner, or commissioners for regulating the intercourse of his majesty's subjects with the See of Rome; under the pretext of a security against the exercise of foreign jurisdiction. But it excludes the king from having any control whatever by the intervention of any Protestant servant of the Crown, over the publication of any papal bulls, rescripts, or pastoral letters; even though like that of the present pontiff, published by the Irish Roman Catholic prelates last year, they should threaten us with foreign interference, bidding the king's Roman Catholic subjects take courage, and expect the aid of temporal princes.†

Such, my lords, is the conciliatory disposition of the Roman Catholic church of Ireland; and such are the boasted means by which all jarring interests are to be reconciled, and all the danger of their hostility is to be neutralized.

Now, as to England separately, in what spirit the same ambitious views are entertained and acted upon at this day, your lordships may perhaps hear from some of the right reverend prelates now present, under whose immediate observation these views are announced in language which their followers cannot misunderstand. And all of us may have seen the same in the mischievous publication entitled, an Address of the Roman Catholics of Ireland, to the Roman Catholics of England, now circulating through the heart of this country, pointing out our abbeys, cathedrals, and churches, as the possessions which once belonged to their Roman Catholic ancestors, but wrongfully wrested from them by those who departed from the ancient faith, and bidding them turn their eyes to foreign arms for their future deliverance.

My lords, add to these reflections, what should never be forgotten, that the hierarchy of the Roman Catholic church, both in England and Ireland holds an alliance of no mean importance with all the monastic orders which have settled among us; a worse than useless burthen, upon the impoverished population of Ireland, unless we are to pension them also, as has been surmised. Each of these orders, it has been stated in evidence to your lordships, maintains a constant intercourse with its own separate college at Rome; and besides those of older date in Ireland, others of more recent arrival, are now spreading over England. And, strange to say, institutions which the policy of Roman Catholic states excludes as noxious even for Roman Catholic countries, and mainly, that learned, but powerful and dangerous society, the Jesuits, are now suffered to take root in this realm, and hold large possessions and ostentatious establishments of modern date, without law, and against law. It has been proposed, indeed, to pass laws which may allow such institutions to be endowed and perpetuated, if not already legal. But I say, my lords, rather remove them all out of the land excepting such only as may afford a refuge to aged and helpless women, as charitable homes for those who may have no other.*

My lords, I have now stated to your lordships, the extent of power which the Roman Catholics seek to obtain by this bill. I have stated also the danger of allowing them to possess that power, from the unchangeable nature of their principles in hostility to the established religion of this kingdom; and that the mischievous operation of such principles will, in no degree, be counteracted by the grant of a perpetual endowment of their priesthood, out of the public purse, or by any other of their collateral arrangements.

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* See Lords' Rep. p. 364.

† See Encyclical letter of Leo 12th 1824; and Dr. Murray's evidence, Lords' Rep. p. 429.

* See returns by Roman Catholic archbishops for the Provinces of Armagh, Dublin, Cashel, and Tuam, in the Appendix to the Lords' Report of evidence 1825.

But it remains for me to answer those who tell us that our fears are visionary; that whatever may be the hostile disposition, the means are wanting to give it effect. That we should imitate the policy of other states, which, with perfect safety to themselves, allow equal political power to all religious denominations of their subjects; and that, if we look at home, no means exist by which any mischief to the state could be accomplished, because the mere eligibility, the admissibility, the capacity, to attain political power, will not give them the power itself, in a country like ours, where the Roman Catholics are so far out-numbered by their Protestant fellow subjects, both in and out of parliament. This difference, however, between the admissibility to political power, and the possession of it, will be found at last to be but a shadowy distinction, and indeed an actual fraud, if it is really meant to withhold in practice, what it professes to give in theory.

Upon each of these points, a few words may suffice. Let us come closer to the cases stated, and examine how such measures do, or must work.

With respect to the policy of these nations which comprise a mixed population, holding different modes of faith, when we are told that all but ours, or that any, have, under like circumstances, imparted equal civil rights and privileges to every description of their subjects, I answer that there is no case parallel or similar to our own.

Despotic sovereigns, whether Roman Catholic or Protestant, can displace at their will any minister of the Crown, whose views or measures appear to be inconsistent with the fundamental institutions of their empire; and they may therefore, upon that tenure, safely employ them all indifferently. But no example exists in this or in any other country, of this equal participation of rights, certainly none sanctioned by any length of historical experience, where a popular and representative form of government has been established like ours, in which (as we all know to have happened in other times and in other reigns) any individual of high character and distinguished talents, sustained by popular favour, may, I will not say, "force" but "command" for himself an entrance into the councils of his sovereign, and take into his hands the chief direction of that state.

And where the ruling powers of the state may be thus aspired to by all, and attained to by any, it is vitally important to the safety of such a state, that none should be admitted to the possibility of wielding such power, whose principles are necessarily and essentially hostile to those fundamental institutions of the country, which it is his sacred duty to uphold.

As to the means of accomplishing any great internal change in our constitution, in a country like ours, I believe it will be found that the capacity of exercising political power will soon acquire also the power itself, and at no great distance of time, if steadily pursued, whatever be the present disparity of numbers; and you should not count for nothing even the intermediate mischief of such a conflict.

If a minister should arise, not even himself a Roman Catholic, but one who favours their pretensions, or who stands in need of their support, after this bill shall have passed, the road is short, so far as concerns the peerage; and a simple gazette may, as it has done for other purposes, and in other times, turn the scale of parties in this House, and introduce amongst us persons of the highest honour and highest respectability, but at the same time most decidedly hostile to our church establishment.

In the other House of Parliament, besides the large and immediate admission of Roman Catholic members, that number will most certainly grow with that parliamentary influence over elections, which their growing property and the urgent persuasions of their clergy will naturally incline them, and enable them to increase. And he knows little of the practice of parliaments, or of public life, who does not foresee, that in every conflict of parties, such a body of men acting uniformly together will be courted on both sides, and their particular interests will be advanced by all in their turn. No man will say, that if this bill were to pass to-day, these consequences would take place to-morrow; but every body must agree, that the same persons and principles, if let in to-day, will open the way for all the rest within that very short period of time which may be accounted as "immediate" in the history of nations.

My lords, to prevent the dangers to arise from letting them in, the best of all securities is to keep them out; but you must be prepared, if you do let them in, to alter at once the coronation oath, a project which has been already started elsewhere, and recommended. You must proceed also to repeal the corporation and test acts, and lay open the highest offices of the state to nonconformists of every description; and such a termination of the British constitution, few of us, I believe, would desire to behold.

If, then, these claims of emancipation, as it is called, are to be for ever refused, is there no ray of hope left for misgoverned Ireland? Yes, much hope; and, if we are not remiss in our duty, immediate hope; but, as I think, emancipation must be of a very different sort.

The emancipation most necessary for the people of Ireland, is an emancipation from ignorance, from that poverty which proceeds from want of employment, and truth compels me to say also, from that domestic oppression and misery under which that peasantry is in too many instances suffering, from the excessive underletting and subdivision of the landed property. And this emancipation it is the duty of a paternal government and a protecting parliament to provide.

The evils of Ireland, it is evident, spring mainly from the state and habits of the population. Enable the labourer to derive profit from his industry, be it manufacturing or agricultural, and the labourer who can by his industry gain something of his own worth saving, will be slow to risk it in outrage and rebellion. And it cannot be too often repeated, that all the evidence concurs in ascribing the origin,* at least of these outrages which frighten away British capital and British enterprise, not to religious differences, however much artful and designing men may have brought them forward to inflame the people, but to some specific and local grievance in respect of property and the distressed state of the occupiers and tenants of the soil. And in confirmation of this, it is to be remarked, that in the northern parts of Ireland, where the Roman Catholics and Protestants are most nearly balanced, and where such conflict might be more looked for if originating in religious feelings, such outrages prevail much less, because no such grievances affecting property exist, or at least not in an equal degree.

To remedy evils of this magnitude, laws may do much; but much also lies beyond the reach of law, and must be managed by measures of slower growth.

By laws you may regulate and place on a better footing the relations of landlord and tenant; by laws you may provide some resource and refuge for those amongst the poor who are disabled from work by age or infirmity; by laws you may more effectually repress vagrancy and mendicity; by laws you may reform the modes of executing the process of courts of justice by their subordinate officers; and by laws you should root out those habits of perjury and servility which disgrace alike the upper and the lower ranks of life, by suppressing the present fraudulent description of 40*s.* freeholders; and this last great evil is in my view a matter wholly separate and distinct from the concession of political power, whatever be the fate of those claims.

What laws cannot do must be accomplished chiefly by spreading an improved system of sound, sober, and useful education every where; instructing the poorer classes in just principles of religion and morality, and such as may fit them not to become the passive instruments of bigotry and tyranny, but such as may render them the virtuous, enlightened and active subjects of a free government; and such a system we have yet too look for in the labours of those commissioners whose reports are not yet completed.*

These, my lords, are amongst the blessings which you may yet bestow upon Ireland, and which her condition imperiously demands at your hands. But none of these you could effect whilst that rival parliament existed which your wisdom and firmness have put down; nor can any such blessings be hoped for hereafter, if that monstrous and portentous power should again lift up its head; and I speak it with sorrow, but with a well-grounded belief, when I state, that even now that power is not dead, but sleepeth.

My lords, to close the whole of these remarks, with which I have too long trespassed upon your attention, I would say, upon a bill of this importance, which embraces the whole of the United Kingdom, and is not confined to Ireland alone; which embraces England, although we have had no information whatever before us respecting her Roman Catholic authorities or establishments; which embraces Scotland, although such a bill cannot touch it without violating the act of union; I would say,—Surrender not your actual and known state and condition for prospective, contingent, untried, and unknown advantages;—Discontent not the large majority of the Protestants of the United Kingdom, to gratify the less numerous body of Roman Catholics;—and yield not to intimidation, past or to come; for you must not think that those whose declarations have been all but insurrectionary within the last few months, have changed their purpose because they have changed their language;—but act upon the wise exhortation of the noble earl at the head of his majesty's government, which he pressed upon your consideration four years ago, when a measure of the like sort was before you, namely "to remove no landmarks, but keep all bodies of his majesty's subjects in their proper places, as they now stand."

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* See particularly O'Sullivan's Evidence before Committee of House of Commons, 1825, p. 432. And Lords' Rep. p. 26, 332.

* See Appendix to Evidence before Lords committee, 1825, as to Irish Roman Catholic and Protestant Population.

Let this House, my lords, adhering to the wisdom of its former decision, and seeing how nearly the opinions of the other House of parliament are balanced, firmly resolve to keep the settled constitution of the country upon its existing basis; and declare once more, by its decision this night, that it refuses, as I hope and trust it ever will refuse, to grant to his majesty's Roman Catholic subjects any further political power.

Therefore, my lords, I shall beg leave to move an amendment to the original motion, by leaving out the word "now," for the purpose of adding "this day six months."

The Marquis of *Anglesea*, in seconding the amendment of his noble friend, begged to offer a few words in explanation of the causes which induced him on the present occasion to adopt a course so different from that which he had formerly pursued. In approaching this very perplexing question, he had always been influenced by two very powerful considerations; the one, the importance of conceding to the Catholics every right to which they were justly entitled; the other, the necessity of taking care, that in supporting their claims, he did not break down any of the important barriers of the Protestant Establishment. He had supported all the former concessions to the Catholics, because he had hoped that those concessions would have been followed by a corresponding spirit of kindness and conciliation on the part of the Catholics towards their Protestant brethren. He had hoped that the Catholics would have received in a good spirit that which had been granted them, and that they would have testified a proper degree of patience and forbearance under the comparatively minor privations to which they were still subject. In all these expectations he regretted to say that he had been disappointed. Every concession that had been made to the Catholics had been followed by increased restlessness and irritation. The conduct of that body, and the language which they had adopted, were such as to show that emancipation alone would not satisfy them, and that they would be content with nothing short of Catholic ascendancy. Such being the state of things, he would go no further in the course of concession, there he would take his stand. Now, if it must be a trial of strength between the Catholic and the Protestant interests,—and something like that was implied in the intemperate language of the Catholics, when they talked of six millions of people who could be repressed only by force,—if it must be a struggle, he thought that the present time and the present position were the best that could be chosen for bringing the matter to issue. He was sincerely friendly in his disposition towards the Catholics; he would give them every thing that he thought they had a right to expect; but he would not give them any thing at the expense of the Protestant establishment. Until, therefore, he was persuaded that no danger existed to that establishment by such a concession, he would not consent to increase the political power of the Catholics. With respect to the two minor propositions which it appeared were to accompany this larger measure, if he understood them rightly, he entertained no objection towards them. He did not think that the raising of the qualifications for the elective franchise would trench on any real and legitimate rights; and the payment of the Catholic clergy by the state might be a matter of wise policy. But while the appointment of the Catholic bishops was still denied to the king of this country, and foreign interference was thus distinctly allowed, he could not consent to the bill under their lordships' consideration. Instead of that mutual concession which ought to take place, the sacrifices were all demanded to be made on one side. Unaccustomed as he was to deliver his opinions in that House, he did not feel himself competent to enforce them by such arguments as might have weight with their lordships. It was enough for him, however, as he was alone responsible for his own conduct, that the reasons which induced him to vote against the bill were satisfactory to his own mind; and all that he regretted was, the imperfect manner in which he had described those reasons to their lordships.

Marquis *Camden* observed, that he did not rise as his noble and gallant friend had done, to express any change in his opinions on this great and important measure, which had so long agitated the country, but to express his confirmed opinion of its necessity. From his having been misheard on a former occasion, in presenting a petition, it appeared that he had been supposed only to have lately adopted the opinions he had long entertained; and, therefore, in order to set their lordships and the public right on his conduct, and for the purpose not only of shewing the progress of this question generally, but of explaining his own connexion with it, he should, before he entered upon the bill before the House, explain some circumstances which he conceived necessary for himself and apposite to the question.

It was well known to their lordships that when he was recommended by the king to repair to Ireland, it was for the purpose of counteracting a measure which, in the then separate position of Ireland, he himself, and those with whom he acted, thought dangerous and impolitic. He succeeded in counteracting that intended measure, and having so done, as soon as the disappointment of the Catholics had worn off, he felt it his duty, going to Ireland to prevent their political power at that period, to endeavour to reconcile the feeling of that body as far as he individually could do so, having been always persuaded that the utmost attention and confidence should be shewn them at that period, consistent with the not admitting them to political power before the Union. He thought it his duty as well as policy, to endeavour to meet some of the feelings which they might reasonably entertain, and although it might bear the imputation of egotism, he would venture to state his own conduct upon occasions connected with them. He had laid the first stone of the college of Maynooth, a seminary felt by the Catholics to be essential, and consented to, and carried into execution, by the English government, as a measure of conciliation. Hehad thought it so then, though he was not quite confident it had worked well.

Their lordships might not know, that the only two Catholic Peers which have been created by his late majesty had been recommended by him; that he had recommended Catholics to be baronets, and had employed them officially, as far as the law allowed him; and he was not afraid to say, at this distance of time, that although sent to counteract a favourite measure of theirs, he became, by his conduct, even popular with them. He acted upon the conviction, that the loyalty and good conduct of the Catholics deserved every consideration, which the then state of things enabled them to receive.

He thought it due to the Catholics also to say, that during the troubles, and particularly at the time of Hoche's attempted invasion, the persons of that persuasion showed the utmost spirit and loyalty, and aided, in every possible manner, the government and the country. In proof of this opinion entertained at the time, he would read Extracts of a Letter from himself, as lord Lieutenant of Ireland, to the duke of Portland then Secretary of state;—

"January 10th, 1797—At the time the army was ordered to March the weather was unusually severe, I therefore ordered them a proportion of spirits on their route, and I directed an allowance of 4*d.* per day to their wives until their return. During their march, the utmost attention was paid to them by the inhabitants of the towns and villages through which they passed, so that, in many places, the meat provided by the commissariat was unconsumed, and the poor people shared their potatoes with the army, and dressed their meat. The roads, which had in many places become unpassable by the snow, were cleared by the peasants. In short, the good disposition in the south and south west was so prevalent, that I have no doubt, had the enemy landed, their hopes of assistance from the inhabitants would have been totally disappointed. Many prominent examples of individual loyalty have appeared, and an useful impression was made upon the minds of the lower Catholics, by a judicious address from Dr. Moylan, the titular bishop of Cork, and I cannot but notice the exertions of lord Kenmare, who spared no expense or exertion in giving assistance to the commanding officers in his neighbourhood, and took into his demesne a great quantity of cattle which had been drawn from the coast."

Not that he confined his praises to the Catholics alone, Dissenters and all descriptions vied with each other in demonstrations of devotion to the country, and loyalty of spirit, and their lordships had little idea of the universal good feeling on that occasion.

The noble marquis proceeded to state his own decided opinion to be, that the concessions to the Catholics could not take place whilst the countries were separate; but, as a confirmation of what were his opinions as to Catholic emancipation before the Union, he would read to their lordships an extract of a Letter, which he had written to Mr. Pitt on June 1st, 1797:—

"With regard to Ireland, a part of the empire which will give you, and whoever may succeed you, more trouble and anxiety than any other portion of it, believe me, there is, at present, no system to be pursued but that of endeavouring to crush the rebellion which subsists in it. The Dissenters of the north are Republicans, and seriously and systematically are pursuing that object. The Catholics are jealous of English influence, and no concessions ought to be made to them whilst the kingdoms are separate. There is a measure which can alone render this country and Ireland so united, that it should be an advantage to it, instead of a point dreadfully vulnerable in all future wars: I mean a Union.—Never suffer Catholic emancipation to be conceded in a hurry, or as an expedient to procure temporary relief. The other concessions were so made to the Catholics; but after an Union, such concession may be made a measure of general conciliation. I cannot conclude this letter without giving you my opinion upon our actual situation in Ireland. I have great confidence in the army, a change is taking place in the minds of the gentry, who are in some degree relieved from the system of terror which had been infused, and the rebels in their turn, are becoming alarmed."

Their lordships must see by the letters he had read, how decidedly adverse he was before the Union, to concessions to the Catholics, and that his opinion was recorded as to the policy of granting such concessions after it.

When he returned from Ireland his majesty directed that he should be called to his councils, and he was amongst the very few now alive, who resigned office in 1801. The six persons who left the king's service then were Mr. Pitt, lord Grenville, lord Spencer, Mr. Dundas, Mr. Windham, and lord Camden. He felt this was a subject of the utmost delicacy to touch upon, but if he was not correct, his noble friend and connexion (Spencer) now present would correct him.

At the period of that great and momentous measure, "The Union with Ireland," it most undoubtedly entered into the minds of those who had considered it, that civil disabilities, as respecting the Catholics, should be removed. He distinctly stated there was no pledge given. He would state there was more than expectation excited amongst the Catholics [hear from lord Spencer]. But, even before the measure could be matured; even before it could be brought forward and stated by him who was to carry it through—fears and alarms were entertained in that quarter where, more especially, favour was desirable and necessary; and, without entering into further particulars it became the duty of those persons who resigned in 1801, of whom he (marquis Camden) was one, to retire from the king's service. If, in retiring, they, or a part of them, determined not to agitate the question, or to concur in carrying it forward, the expectations of the Catholics might have been disappointed. He (marquis Camden) could not prevent that feeling, but he was determined not to harass a conscientious mind, and, during the life of his late majesty, he always voted that the question should not be then put.

Since that time, it had been carried in the House of Commons, and it had been decided by a majority of 139 in 1822, that the question should be taken into consideration in the succeeding session of parliament. It had been lost in the House of Lords; but, in the last instance, only by a majority of one: in the other instance by a considerable majority.

Was it surprising that, under all these circumstances, the Catholics should have shewn impatience? Was it not to be forgiven, if some imprudence had taken place? Indeed, very lately they had been most imprudent, not to use a stronger word; and he assured their lordships, that he was one of the most strenuous in advising the measure of putting down the late Association. He had even entertained doubts whether, so soon after the language uttered in that Association, he would support the present bill; but, upon reflection he would not suffer the ebullitions which imprudently then escaped the lips of ardent minds, to prevent his doing what he conceived to be his duty. He therefore, had determined to support the present bill.

With respect to the bill itself, the noble marquis (lord Camden) stated, that taking it altogether, he approved it, through there were circumstances which he wished otherwise; but, he supported it as drawn, as he wished to see mutual confidence, if possible, established.

In the common and daily occurrences of life there was, in the present state of things, coldness and jealousy between Protestants and Catholics; and even in the concerns of every parish, they would hardly meet to join in the acts of charity so essential, not only to the comfort but to the existence of the poorer classes. The noble marquis protested, that he looked only to any of the Catholic opinions as they could affect the state. If a man believed in transubstantiation was he a worse civil subject? If he invoked saints, was he less to be trusted? If he believed in the doctrines of purgatory, did that opinion influence his conduct as a good subject? The influence of a foreign power was alone the objection; but, the best informed of the Catholics said, they feel that they owe the pope only spiritual authority. They are ready to swear to act loyally and faithfully to the king, and in temporal matters do not conceive that they owe any allegiance to papal authority.

Under these circumstances, the bill should have his support. He looked to it as a measure to heal differences and to restore confidence, without it he thought other measures would prove defective, and the real strength of Ireland be crippled and weakened.

He had a real and genuine affection towards the Irish people. They had treated him with the utmost confidence and kindness. He had passed, when abstracted from the cares which the momentous times allowed him, some of the happiest hours of his life in Ireland. He looked with intense interest to the improvement of that country; he thought this measure would have that end; and he therefore heartily supported the bill.

The Earl of *Darnley* said, he cordially agreed with most of what had fallen from the noble marquis who had just sat down; and more especially in his opinion, that the present was peculiarly the time at which their lordships were called upon to grant to the Roman Catholics the full enjoyment of their civil rights. With regard to what had fallen from the noble and gallant marquis behind him, he was sure he should have the unanimous concurrence of their lordships, that whatever might be their opinion of the noble marquis's sentiments, there could be no difference of opinion with respect to the temperate manner in which he had expressed them. The noble marquis was, however, the last man whose conduct should be influenced, as it appeared to be, by the fear of being thought afraid; for the menacing courage attributed by him to the Roman Catholics of Ireland was the only reason he could urge for the change of opinion he had adopted with regard to them, and for taking up at once a hostile position against them. He regretted that his noble friend had brought his military ideas to bear upon this question; but he had better consider, whether whatever skill he may take at this position he may not ultimately be turned and compelled to retreat. The loyalty of the Roman Catholics of Ireland was undoubted; and whatever intemperance of language they might occasionally have indulged in, ought in justice to them, to be ascribed to the irritation which the denial of their rights had excited. Were he himself a Catholic, he should probably express himself in warm terms on the subject.—During the whole of his parliamentary life he had supported the claims of the Catholics; he had never heard an argument that appeared to him to be of the least cogency against those claims; and he sincerely regretted that the noble and gallant marquis had employed his talents in opposition to a cause which was one of justice, humanity, and policy. There might have been something in the language of a portion of the Roman Catholics of Ireland, which one would wish not to have heard; but when the circumstances under which that body were situated were taken into consideration, every allowance ought to be made. It was not to be forgotten what irritating language was expressed against them. Yet when the legislature had decided that the Catholic Association should be suppressed, with an immediate forbearance—a forbearance which was the characteristic of the Irish Roman Catholics, under all their sufferings—they at once submitted to the decree of the legislature, and in so doing gave an additional proof of their loyalty and attachment to the Constitution.

His noble and gallant friend had in his speech commented upon the want of gratitude which the Irish Roman Catholics had manifested, subsequently to every act of legislative concession. He had heard such an imputation with surprise; and he was at a loss to discover on what facts such a charge rested. He defied his noble and gallant friend to cite an instance of such conduct. Nay, more; he would venture to assert, that legislative favours were uniformly received by the Catholic body with unqualified gratitude. He did not see at that moment in his place the lord Privy Seal, otherwise he should appeal to him to give a most conclusive answer to the imputation of his noble and gallant friend. The noble earl (Westmorland) was lord lieutenant of Ireland in 1793. And here he must be allowed to state, in answer to that imputation, the history and character of those concessions which were granted to the Catholics in the subsequent years. In 1792, the prayer of the Catholics was refused; but in the year after, when the country was engaged in a war with France—when dangers from without presented themselves in a threatening form, those concessions, refused the year before, were recommended to the Irish parliament in a speech from the Throne, and passed by a great majority. Such was the history of the concessions of that period; and again he would repeat that they were received with the unqualified gratitude of the Irish Catholics [hear, hear!]. But he begged the House to bear in mind that they were now called upon to act under peculiarly favourable circumstances, and he would consequently recommend on principles of mere policy, to extend those concessions at a period not of war, but of peace, when the country stood happily prominent in character and glory, in the enjoyment of political and maritime strength, and not to wait to do that which, a season of calamity would undoubtedly demand [hear, hear!].

The question now stood on different grounds from any other period. It presented itself in a different attitude; inasmuch as they had now before them a mass of information on which he would take upon himself to say, their lordships, and the people of England stood much in need; for on all subjects connected with Ireland the ignorance of all classes in this country was very remarkable. He had the honour originally, to move for the appointment of the committee. It was then refused, but subsequently agreed to, and no man would venture to deny that the greatest benefit had resulted from the investigation. Their lordships had now before them the unimpeachable testimony of numerous witnesses on their oaths, acquainted with the precise and local circumstances, stated fairly and honestly in the face of the world. When, therefore, the noble lord (Colchester) asserted that the whole of the declarations and efforts of the Roman Catholics was a mere pretence to assist them in obtaining the power and property of the established church, he met that assertion by referring the noble lord to the undoubted testimony of respectable men of that persuasion, who on their oaths declared the contrary. It was not necessary for him to bear testimony to the characters of Mr. O'Connell and Dr. Doyle; but, most persuaded he was, that if the latter had the good fortune to have been bred in that pure faith of the Protestant church which their lordships professed, he would not, from his piety and learning, disgrace the right reverend bench, which he (lord Darnley) saw before him [hear, hear!].

The evidence of these two distinguished individuals had, however, been objected to, because it was stated to be at variance with speeches addressed to a popular assembly by the one, an opinion given in writing by the other. But admitting the fairness of this objection, and looking only to their evidence on oath which he could not doubt, he would pass by their testimony, and call their lordships attention to a passage in the evidence of a legal Catholic gentleman, examined before the committee—he meant Mr. Blake, whose testimony could not, on any grounds, be called in question; who possessed the full confidence of the marquis of Wellesley; and who, in his evidence as to the effect of the disfranchisement of the Irish 40*s.* freeholders, declared, that it was his conviction that instead of weakening, it would strengthen the Protestant establishment of Ireland. If that effect was not to follow, he, as a Roman Catholic, would never wish to see it effected; because, he did believe, that the security of that Protestant establishment was the great link in the chain that secured the connexion of Great Britain and Ireland; and that connexion he considered as one of the best guarantees of the happiness and prosperity of the latter country [hear, hear!]. To the obsolete and often refuted charges against Roman Catholics, he (lord Darnley) offered the plain, unequivocal testimony of living witnesses. Would their lordships feel satisfied to legislate on arguments, drawn from the councils of the Lateran and Trent, and shut their eyes to such evidence as was had from the most respectable sources before them. It would be most monstrous to legislate on apprehensions of such a nature, in opposition to such evidence, unless they were prepared to go the length of disbelieving a Roman Catholic on his oath, which was professed by some persons. To those he had nothing to say; but he would appeal from them to the great and enlightened portion of the British community [hear, hear!]

The noble lord (Colchester) had drawn an exaggerated picture of the amount of power which the removal of these disabilities would confer upon the Roman Catholics supposing, notwithstanding they solemnly disclaimed it themselves, and in spite of the utter and manifest improbability of so hopeless an attempt, they should be disposed to abuse it. But supposing that the admission to the privileges of the constitution should make them anxious to attempt its subversion, how were they to effect their purpose? To begin with this House, to which the noble lord adverted. The effect of passing the bill would undoubtedly be to admit the captain the duke of Norfolk, and his colleague the earl of Shrewsbury, and about half a dozen brother conspirators to sit and vote there. If any thing should be proposed or attempted, hostile to the Protestant establishment, that compact body heavily armed in lawn, he saw opposite to him which would be alone sufficient to overthrow them; but there was, besides, the main body headed by the noble and learned lord on the woolsack, to say nothing of the small but active corps de reserve of honest men with the noble duke (of Newcastle) at their head. In the House of Commons the relative numbers would be nearly in the same proportion, for as long as property was the basis of representation—and he trusted it would long continue so—the proportion of Roman Catholics, even from Ireland, would be very small; besides which if you pass the present bill at this auspicious moment, in the true spirit of conciliation, it will soon cease to be a question to what religion a man belongs in either House of Parliament. With regard to eligibility to high office, what possible danger to the Protestant establishment could ever arise from the rare occurrence of the merits of some Roman Catholic, recommending him to the favour of an essentially Protestant king, with his conscience in the keeping of an essentially Protestant chancellor.

Much stress had been laid on the number of petitions presented to that House; he was ready to admit their number and their strength, but he begged to call the attention of their lordships to the petitions in favour of the measure. They had before them the petitions of the Catholics of Ireland, a body in possession of that property which was, and he trusted ever would be, the basis of political power in this country. There were next the petitions of a considerable body of the Protestant proprietory of Ireland, who demanded the accomplishment of that great measure of union as the great foundation of the growing prosperity and permanent security of Ireland. But then, opposed to those petitions in favour, were the counter-petitions got up by that great parliamentary reformer, the noble lord on the Woolsack, who seemed disposed to appeal from their representations in the House of Commons to the people; and if not got up, which they had disclaimed, at least influenced by the example of the clergy. Of these latter petitions he should say, that though they were numerous, there were not many from Scotland, and scarcely one from any convened public meeting in England. Indeed, wherever a public meeting was assembled, the decision counteracted the objects of those who called it together. It was true that a very voluminous petition had been that evening presented from the cities of London and Westminster, against further concessions to the Catholics; but he would ask, where was the occasion or the question on which a petition could not be procured numerously signed by some portion of those populous cities? Indeed, he believed, that if a petition was got up, praying to remove even the noble lord on the Woolsack from his office, a very large part of that population would be procured to give their signatures [hear, hear and a laugh]. From Ireland, where the prejudices against the question might be supposed to prevail, and where the effects, if the measure was passed, would be most powerfully felt, no great number of anti-Catholic petitions had been presented. Thank God, a very different spirit was springing up in Ireland. The Protestants of that country felt justly, that things could not go on in their present state. It was with pleasure and pride that he saw a person connected with him by the nearest and dearest ties taking the lead on this occasion (Mr. Brownlow), and possessing great influence in Ireland, act upon that impression, giving up former prepossessions, and with such effect affording his support to the present bill [hear, hear!].

It was impossible that the question should remain as it now presented itself. There was not, he believed, a single individual who knew any thing of Ireland who could lay his hand upon his heart and declare that he believed it possible that things could continue there in their present state—what then will you do? Will you recede? and will you, as advised by a witness who has been examined by the committee re-enact some part of the penal code that has been relaxed? If not, you must go on. But by acceding to the present demand of policy and justice the empire would acquire a tower of strength in the undivided affections of the people of Ireland. The power of England was now great; her position in the world most imposing; her character, undoubtedly, most high. That was the time, above all others, for conciliating Ireland. Was it not more consonant with that power and character to rule that country by the affections of the people than by an army of 25,000 men? Such a force would, no doubt, preserve Ireland at present. But at a period when peace had been preserved for a considerable time, would it not be wise to prepare for future contention by placing a just reliance in the warm hearts and strong arms of the Irish people? If their lordships were disposed to trifle with those feelings at the present moment, a time would probably arrive, when they would be unable to keep that country as an integral, at least as an useful member of the empire. Circumstances at present recommended most strongly the adoption of that just and salutary measure. Circumstances had recently occurred to which he would not now particularly allude, which rendered the immediate adoption of the measure most desirable, and others might unhappily arise when those favourable recommendations might change their character, and difficulties interpose. He, therefore, sincerely hoped, that their lordships would accomplish at present that great consummation which the Commons of the United Kingdom solicited at their bar.

The Earl of *Longford* observed, that living constantly among a Roman Catholic population, regarding them highly as individuals, and respecting them as a body collectively, it would be readily imagined that he was most anxious to meet the views of the Roman Catholics of Ireland with as much favour as any man. But after very mature consideration, he could not bring himself to think that this bill would answer the sanguine expectations of those by whom it had been introduced into parliament, or that it was a measure that could be put into execution without manifest danger to the constitution. In giving his most decided opposition to this measure, he begged at the same time distinctly to state, that he was actuated by no spirit of hostility to the Roman Catholics. But, while he repeated that he held them in very high regard, he must take leave to say, that he could not at all see why they were to be admitted to a participation with Protestants of certain civil rights and political power in a free Protestant country. It had been rather imputed to those who, like himself, were unfriendly to such admission, that they wished to visit with penal consequences their peculiar doctrines: but he desired to observe, that they did not in any degree wish to interfere with the religious opinions, nor did they at all presume to measure the speculative tenets, or to regulate the doctrines of the Roman Catholics; but they were determined that the Roman Catholics should not interfere with theirs. The reason of their refusal of such admission was founded upon the political consequences that would follow upon their assent—political consequences that always had ensued, and that in his conscience he believed always would ensue, upon conceding those privileges to Roman Catholics which were now claimed by them. Those consequences led to the perpetual interference of the papal authority and influence, nominally in spiritual affairs alone, but actually in the general transactions and ordinary business of life. It had been deposed, indeed, by witnesses examined before their lordships, and by others, that that interference was strictly confined to spiritual matters and doctrine; but, how and by whom was the line to be drawn that was to separate—in the judgment of a Roman Catholic for example—spiritual from temporal affairs? How could it be supposed that he who exercised an undoubted and unresisted influence in the one would not exert it in the other? Or that the power which guided a man's conduct in regard to spiritual things would abstain from directing it in respect to temporal ones? He was of opinion that the Roman Catholic priesthood were able to lead the people with great facility; and their own constitution was well calculated ever to respect the supremacy of Rome. The commands of the superior to the inferior admitted of no dispute; while the principle of subjection in the inferior was as clearly defined as the right of the superior to his obedience. If they were to be emancipated, therefore, from the acknowledgment of that control recognized by our constitution, while they continued subject to the papal orders transmitted through their own clergy, to admit to a participation of civil and political privileges those who still refused so to acknowledge a control which was submitted to by our own church, would be to put the Roman Catholic clergy on a higher footing than our own; and more especially when, if he was rightly informed, that control had been submitted to in other countries and cases. Under these circumstances, he could not think that the preamble of this bill was fairly worded: it contained a part of the truth, but not the whole truth. It was entitled "A bill for the removal of the disqualifications under which his majesty's Roman Catholic subjects now labour—'Whereas the Protestant succession to the imperial crown of this united kingdom and its dependencies, is, by the act for the further limitation of the crown, and the better securing the liberties of the subject, established permanently and inviolably.'" But, there should have been added something to this effect:—"An act to admit and invest certain dignitaries and others of the Roman Catholic persuasion to and with political and civil privileges, which all experience had withdrawn from Protestant dignitaries and others of the same station, except on submission to a certain control; from all obedience to which, such Roman Catholics are hereby exempted." In short, to grant them those privileges while they continued to deny our control, would be virtually, to put them in a better situation than the members of our own church. He also excepted to the bill, on account of the power which the Catholic priesthood would exercise and did exercise over their flocks, to an extent greatly beyond direction in matters affecting their spiritual welfare. He knew, indeed, that among the Catholic clergy there were many honourable exceptions to this description of them. He had nothing to oppose to the praises which had been bestowed upon them by noble lords who had spoken before him. But they were not to eulogise individuals: their business was legislation. He would ask, if they were to admit the Roman Catholic body to the highest places in the constitution, what was to guarantee the Protestant establishment? By the law none were admissible to offices of political trust, but those whose allegiance was perfected. Of all the dissenters from the establishment, he knew of none whose allegiance was of necessity imperfect, except the Roman Catholics. Standing in the peculiar relation to us which they did, in what light must they regard us? What must be the feeling of a really conscientious Roman Catholic (for it was useless to take notice of any other) towards the national church establishment? They were to consider in this question what had been done by the Protestants. Were not these dissenters from their faith usurpers of the authority of their creed; despoilers of the property of their church? In what other light could they look upon us? We were voluntary seceders from them, as the other dissenters were from the national establishment. They did not willingly nor without considerable struggles separate from our corps. There was nothing in principle, in Christian-like feeling, in policy or expediency, which required them to make those concessions, or forbad their refusal of them. A noble lord who had preceded him, had said, it was time for them to divest themselves of their prejudices; but surely that noble lord must feel that on questions of this kind, upon which men had been accustomed to hear particular opinions stated from their earliest infancy, it was impossible they should be altogether free from prejudice and bias. He was far indeed from speaking of those men who entertained those prejudices with a feeling of censure; they were frequently the bond of parental, filial, and conjugal connections, and every other tie that bound man to man in relationship and friendship; and those feelings reflected the highest honour on men in private life, and rendered them the most amiable and estimable men in society. But, let it be remembered, that those prejudices were not all on one side. Much might be said about the eradicating of prejudices; but he thought it would be a dangerous experiment. You might extinguish a particular religion, but were you sure you could extirpate prejudice? As to what were called the just rights of the Catholics, he could not understand it; for he denied that the interests of the many should ever be sacrificed to the few. Expediency was sometimes talked of as a ground for conceding this measure; but that word had latterly been supplanted by another —necessity, which had been defined to be nothing short of a general threatening. This appeared to him to be unfounded in fact. If he thought it had the least foundation, it would be with him an additional reason for resisting any thing like concession; but, as he had no such impression, he should be sorry to attribute such an opinion to the Catholics. But, when this necessity was talked of, it reminded one of the tone adopted by the old Irish chieftains, a form of expression less lengthy and more expressive certainly than we heard now: "you owe me a tribute, and if you don't"—[a laugh]. But, setting those considerations aside, the question for them was, since the restrictions were imposed, had the country advanced or gone back? Was it not at a pitch of prosperity, wealth, and glory, which were never equalled in ancient or modern history? Let them consider the power, capabilities, and resources, which had developed themselves in this little contracted spot of the earth's surface—not the fruits of extraordinary individual talents; but the slow and gradual growth of ages, during which the oppressed Catholics, as they were called, had enjoyed, in common with their Protestant brethren, the fruits of those councils from which, for their own advantage as well as ours, they had been excluded. With this fact of the constant progressive improvement of the country under a Protestant establishment and constitution, he was very averse to any thing like innovation; and it required the strongest force of reasoning to convince him that a change in any degree was desirable. Until some more striking facts or arguments were brought forward, he would stand by that system under which all our greatness and prosperity had been made. Indeed, he doubted whether any circumstances could change his opinion; but he was unwilling to give such a pledge, particularly when they saw the strange things that were passing around them every day; but he could not anticipate any change of circumstances which would justify the constitution of a free state in admitting the Catholics to the participation of political power. When he heard the recommendations of noble peers to make an innovation in the constitution, he was reminded of what he once saw upon a tombstone, "I was well; I would be better—and here I am." He would say, that there was no principle which ought to be more adhered to than the union of church and state. They had gone on strengthening and supporting each other; but the measure proposed was calculated to produce a schism in them. He believed that those who recommended this measure were sincere in their opinions of its necessity; and without attributing any want of sincerity to them, he must say, that he could not contemplate it in the same light that they did. An argument had been put forth that evening, namely, that the measure had come recommended to them by the decision of the House of Commons. He was far from saying that this was not a strong recommendation; but amongst the valuable privileges of the House of Peers, none was more important on the one hand, than to assist in the accomplishment of any measure which would be beneficial to the country, and on the other, when a measure was not beneficial, to arrest it in its progress. He thought it would become the House manfully to declare that this bill ought not to pass, and that they would therefore reject it. But, in support of the bill in the other House, they had a mere trifling hesitating majority—not the fair decision of that great council of the nation, nor the unequivocal declaration of their opinion. And would their lordships be justified in passing a measure which did not appear to be the sense of the country, and barely the sense of the House of Commons? It had been also said this was an auspicious time. It appeared to him quite the reverse. The attention of the country from the highest to the lowest, had been engrossed with the consideration of this question; and whatever might be the decision of that night, it was impossible to suppose that it would not occupy their deep attention for some time to come. According to the provisions of the constitution, the time could not be far distant when the sense of the country might be taken in the most direct manner upon this subject. They would then know with tolerable exactness how to appreciate that increase of converts, as they had been called, to the Catholic cause. They would then see if they were justified in taking the sense of that boasted majority for the sense of the country. He thought not. Protestant security required Protestant ascendancy. Concessions to the Roman Catholics could not follow, because the right to them did not exist—justice did not exact them—expediency did not require them—the public prosperity could not be increased by granting them—and they were quite incompatible with that Protestant ascendancy, which was necessary for the well-being of the empire.

The Bishop of *Llandaff* rose and said:—*

My lords;—It is not without considerable reluctance that I rise to address your lordships on the present occasion. I am well aware of the animadversions to be expected by any one who ventures to oppose such a measure as that which is now under our consideration; a measure, in many respects, plausible and attractive; a measure, calculated to make impression not only on unwary and inconsiderate minds, but on some of the best feelings of our nature; a measure also, which comes to us under the sanction of the other House of Parliament, and advocated by persons of the highest talent and consideration. But, my lords, these very circumstances powerfully operate upon my mind, not to shrink from declaring my sentiments, on a matter in which the interests of our religious as well as our civil establishments, appear to me to be so deeply involved. I shall endeavour, however, to be as brief as possible in my observations, that I may not detain your lordships longer than I can well avoid from listening to those who may have a stronger claim to your attention.

My lords, if this were a question merely of expediency, a question solely as to the balance of advantages and disadvantages, of conveniences and inconveniences, likely to result from the proposed measure, I might be less disposed to take a part in the discussion. But if the benefits to be expected from it cannot be obtained without the sacrifice of some essential principles of our Protestant constitution and government; then, however desirable those benefits may appear (to me, I own, they appear exceedingly dubious and problematical), I must consider the proposal as one which it becomes not the legislature to adopt.

Now, with respect to the principles to be maintained in this discussion, I conceive, my lords, that I have a right to assume them as points not to be called in question. They have, in fact, been conceded by the advocates of the measure, in former debates; and they are moreover distinctly and expressly recognized in the very preamble of the bill. The preamble sets forth, that the Protestant succession, and the Protestant episcopal church of England and Ireland are established permanently and inviolably. Here is a direct acknowledgment, not only that some religious establishment is essential to the constitution, but also that it shall be Protestant and episcopal.

Assuming this, therefore, as the basis of the whole inquiry, we come to the main question, on what grounds are Roman Catholics excluded from certain privileges and favours granted to other members of the community?

To this question, my lords, I answer, that they are not excluded merely on account of their theological tenets; they are not excluded for holding the doctrines of transubstantiation, of the invocation of saints, the worship of images, or any other points in their creed or ritual, which we deem to be errors and corruptions of Christianity. These are not, properly speaking, the disqualifications under which they labour, nor the true ground of those disabilities which the legislature has thought fit to impose upon them. The real and only ground of their exclusion is this;—that they are (what they do not choose to call themselves), Papists.

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* From the original edition printed for C. and J. Rivington.

My lords, I beg it may be distinctly understood, that I do not mean to use this term as a term of reproach, nor with the slightest intention to give offence. I have too high a respect for the general body of the Roman Catholics, to intend any such thing. But it is necessary, it is unavoidable, in the course of argument I have to pursue, that this their fixed and (I believe) unalterable characteristic should be kept in view. If, therefore, I should happen to use the terms popery and papist more frequently than I may wish to do, or than may be acceptable to many who hear me, I trust it will be excused. I certainly will endeavour to abstain from them as far as circumstances will permit.

What then, is the distinguishing feature of the real papist? It is, my lords, the acknowledgment of the pope's supremacy,—the acknowledgment, that, in certain respects, the pope has an authority over the whole Christian world; and, consequently, that in whatever country, or under whatever government, the members of the church of Rome are placed, they owe to him, as their supreme head, a special allegiance, and are bound, by an obligation paramount to all others, to render him homage and obedience.

To what extent this authority takes place, is another question. There have been times when it was claimed and exercised, as extending both to spiritual and temporal concerns. The power, however, which the popes formerly asserted over temporal concerns, it may be said, has long since died away, and ought not now to be taken into the account. It is true, indeed, that no direct assumption of this power has of late been attempted; and, hence, it is often alleged, that the pretended right is become obsolete, if not extinct. Nor am I unwilling, my lords, to argue as if it were so. Only let me be allowed to observe, that, even to this day, it has never been formally repealed, never authoritatively disclaimed. So long as the decrees of the Council of Trent continue to be the standard of papal pretensions, and that council recognises the authority of anterior councils, this asserted prerogative remains virtually in force. However dormant, it is not absolutely extinct; and were times and circumstances to permit its revival, the authority would still not be wanting to give it effect.

But, my lords, setting aside this part of the pretensions of the papal see, it will suffice for my present purpose to confine our attention to its alleged supremacy in spiritual matters. This is, perhaps, the most important part of the inquiry, attempts being continually made to represent this spiritual supremacy as not involving any temporal interests, and, consequently, not interfering in any degree with the legitimate powers of the state.

My lords, of all fallacies none appears to me more palpable, more egregious, than that which regards spiritual authority as altogether unconnected with temporal. Theoretically, indeed, they are distinct; but practically, in most cases, it is hardly possible to disunite them. Like the soul and body (I am using Bellarmine's illustration, my lords, not my own);—like the soul and body, though each have special qualities and special interests of its own, yet they act one upon the other by mutual co-operation, and affect each other by mutual influence. It may be easy to say, this is a spiritual right, and that a temporal right; this is an exercise of civil power, and that of ecclesiastical:—but when you come to apply these to individual cases, they will be found so blended together, as to render their separation always difficult, sometimes impracticable. And this is in reality the main foundation of that alliance between church and state, which exists in almost every well-constituted government, and which sustains the fabric of the British constitution.

I contend, then, my lords, that if the spiritual authority be exercised, to its full extent, by a power distinct from that of the state, and assuming to itself a supremacy in that respect, it must, so far, become a direct infringement upon the temporal authority of the sovereign. But if it be said, that, even in this respect, the supremacy arrogated by the pope over individuals of other states than his own, is become so mitigated, or so diminished, as no longer to give just cause of alarm or offence; then it will be necessary, in order to judge rightly of this, that we examine somewhat more particularly in what this spiritual supremacy actually consists.

Spiritual power, my lords, is twofold; and the two parts of which it is composed have been clearly defined by one of the most distinguished ornaments of our episcopal bench, whom many of your lordships must have often heard in this House with admiration and delight;—I mean, bishop Horsley. In a speech on the subject we are now discussing, that eminent prelate remarked the just and proper distinction between the "Power of Order" and the "Power of Jurisdiction;" both appertaining to spiritual authority, but "quite distinct, and of distinct origin." The power of order, my lords, is simply and purely spiritual, and can emanate from none but a spiritual authority. It is that power which confers the capability of exercising spiritual functions; or, in other words, qualifies a person to minister in sacred things. This power the sovereign, the temporal ruler of the state, being a layman, cannot possibly confer. He has it not himself, and therefore cannot communicate it to others. It originates in another and a higher source. And this is all that properly belongs to the power of order. The power of jurisdiction goes much further than this. It extends to the entire government of the ecclesiastical body, to the appointment of particular persons to exercise spiritual functions throughout the state, to the rules and regulations by which they shall be directed, to their respective remunerations according to the stations they hold in the ministry, in short, to every thing which, in ecclesiastical, no less than in civil polity, it is the duty of the legislative and executive government of the country to provide, for the general benefit of the community.

Now, it is manifest, my lords, that this latter power, though spiritual in its purpose and effect, cannot be exercised by any other authority than that of the state, much less by any foreign power, without a palpable interference with that authority; neither can it be carried into effect without a perceptible and powerful influence upon men's temporal interests.

It is, however, asserted, that the power claimed in modern times, by the see of Rome, is nothing more than that which belongs to the church only, and which has been expressly disclaimed by the sovereigns of this country, as a part of their prerogative. Let us examine into the accuracy of this assertion.

The true line of distinction I apprehend, my lords, to be this:—spiritual functions belong exclusively to the church; spiritual jurisdiction belongs to the state, as allied to the church, and although exercised by the church, is derived from the state. Nowhere, perhaps, has this distinction been more clearly or strongly marked, than in the 37th article of our church, and in queen Elizabeth's injunctions, which may be considered as decisive upon the point.

The Puritans, it is well known, took offence at the assertion of the regal supremacy in spiritual concerns; misconceiving, as it appears, or misrepresenting, its real intent and meaning. To quiet such scruples, and at the same time to re-assert the doctrine in its full and proper sense, the 37th article declares as follows:—"The queen's majesty hath the chief power in this realm of England, and other her dominions, unto whom the chief government of all estates of this realm, whether they be ecclesiastical or civil, in all causes, doth appertain, and is not, nor ought to be, subject to any foreign jurisdiction.—Where we attribute to the queen's majesty the chief government (by which titles we understand the minds of some slanderous folks to be offended), we give not to our princes ministering either of God's word, or of the sacraments: the which thing the injunctions also lately set forth by Elizabeth, our queen, do most plainly testify; but that only prerogative which we see to have been given always to all godly princes, in holy scriptures, by God himself, i. e. that they should rule all estates and degrees committed to their charge by God, whether they be ecclesiastical or temporal, and restrain with the civil sword the stubborn and evil doers.—The bishop of Rome hath no jurisdiction in this realm of England."

Here, my lords, nothing is disclaimed, on the part of the sovereign, but that which, it is manifest, cannot appertain to any temporal power, the right of exercising spiritual functions. And what are those functions? "The ministering either of God's word, or of the sacraments." The sovereign, though supreme head both of church and state, cannot take upon himself to preach, to baptize, to administer the Eucharist, to ordain, to confirm, or to consecrate. These are offices purely and exclusively spiritual: and queen Elizabeth rejects the very supposition of their belonging to the sovereign as a slanderous construction of her asserted claim to supremacy. But she still maintains, and abates nothing of her title to supreme jurisdiction; nor will allow any states of the realm, whether ecclesiastical or civil, to be subject to any foreign jurisdiction. Her authority is declared (as had been more fully set forth in her injunctions, twelve years before), to extend to "all manner of persons born within these her realms, of what estate, either ecclesiastical or temporal, soever they be; so as no other foreign power shall or ought to have any superiority over them." Thus do the injunctions and articles agree together; and from both is drawn the conclusion, that "That the bishop of Rome hath no jurisdiction in this realm of England:"—no jurisdiction, my lords, of any kind.

My lords, I think it clearly follows from hence, that, according to the fundamental principles of our Protestant constitution, no subject can be considered as paying full and undivided allegiance to the sovereign, whose notions of the regal supremacy do not come up to this standard. If spiritual jurisdiction or authority, in whatever degree, be acknowledged as the right of some other potentate, that, whether it be more or less, is so much subtracted from the supreme authority claimed, and justly claimed, by the head of the state; and the subject who is placed in such a predicament can pay only a divided allegiance to his rightful sovereign; an allegiance, which, however sincere and faithful as far as it extends, is avowedly imperfect in this respect; and, consequently, curtails his right to the same favour and privileges, the same degree of trust and power, which others may enjoy who submit to the state without any such reservations or restrictions.

That the Roman Catholics actually stand in this predicament, cannot surely be denied. I have already adverted to Bellarmine's opinion on this subject, and which he states to have been the commonly received opinion in his day: and your lordships will recollect that Bellarmine was not in the best odour with the see of Rome, his notions of the papal prerogatives not being sufficiently high to reach the views there entertained of the pope's supremacy. His doctrine, my lords, (and he gives it as a moderated opinion between two extremes) is this:—"That the Pope, as Pope, has not directly and immediately any temporal, but only a spiritual power; nevertheless, that by reason of the spiritual, he has, at least, indirectly, a certain power, and that supreme, in temporals:"—"That the power of the Pope is indeed properly, in itself, and directly, spiritual; but that by it he can dispose of the temporal things of all christians, when that is required for the end of the spiritual power, to which the ends of all temporal powers are subordinate; for though he has no merely temporal power, yet he has, in ordine ad bonum spirituale, the highest power over temporals." Again;—"The spiritual power does not mix itself in temporal concerns, but suffers all things to proceed, as before the union, so long as they do not oppose the spiritual end, or be not necessary to obtain it. But if any thing of this sort occurs, the spiritual can, and ought to coerce the temporal, by any way or means which shall seem necessary for its purpose."*—This exposition needs no comment.

But, my lords, how stands this matter in the present day? Will the Roman Catholic subjects of these realms be content to acknowledge the king's supremacy "in all causes, and over all persons, ecclesiastical as well as civil?" Will they allow that the Pope has no spiritual jurisdiction within these realms? Will the Pope himself relinquish his claim to appoint the clergy, and to rule them? Will he forego his superintendance over them in their respective diocesan or pastoral characters, or surrender such points as may interfere with the jurisprudence of this country? My lords, I hardly need say, that hitherto no symptom of a disposition to do this has appeared, either in the Pope himself, or in those who are bound in allegiance to him. Again, therefore, I must insist, that theirs can only be a divided allegiance; and that, therefore, they are disqualified for such an extension of privileges and favours, as may be fairly expected by their fellow-subjects who labour not under similar disqualifications.

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* "Tertia sententia media, et Catholicorum Theologorum communis, pontificem, ut pontificem, non habere directè et immediatè ullam temporalem potestatem, sed solùm spiritualem; tamen ratione spiritualis habere saltem indirectè potestatem quandam, eamque summam, in temporalibus."—Bellarmin. de Potest. Pontif. l. 5, c. 1.—"Potestatem summi pontificis propriè, per se, et directè spiritualem esse, sed per eam disponere posse de rebus temporalibus omnium Christianorum, cum id requiritur ad finem spiritualis potestatis, cui subordinantur fines temporalium omnium potestatum."—Ibid, c. 5.—"Etsi non habeat ullam merè temporalem potestatem, tamen habere in ordine ad bonum spirituale summam potestatem disponendi de temporalibus rebus omnium Christianorum."—Ibid. c. 6.—"Itaque spiritualis [sc. potestas] non se miscet temporalibus negotiis, sed sinit omnia procedere, sicut antequam essent conjunctæ, dummodo non obsint fini spirituali, aut non sint necessaria ad eum consequendum. Si autem tale quid accidat, spiritualis potestas potest et debet coercere temporalem, omni ratione ac via, quæ ad id necessaria esse videbitur"—Ibid. c. 6.

I am anxious, however, to fortify myself in these representations by authorities which your lordships may deem unexceptionable. Among those who are commonly reputed to have been what are called high-churchmen, I might name Laud, Stillingfleet, Jeremy Taylor, Leslie the non-juror, Hickes, Atterbury, the two Sherlocks, and bishop Horsley; not to mention a living prelate now near me, who has treated this subject with his wonted learning and ability. All these have (I believe) touched upon the papal supremacy as among the most dangerous errors of the church of Rome.

But these notions, my lords, are not confined to high-church writers; and on the present occasion, I would rather resort to authorities more likely to be well received by the advocates of the proposed concessions to the Roman Catholics; writers, well known to have been zealously attached to the principles of the Revolution, and friendly to the extension of religious liberty. Among these, I would first mention archbishop Wake, whom I remember to have had the gratification of hearing warmly eulogised in this House; an eulogy in which I can most cordially join. That excellent prelate laboured with great earnestness to effect an union between the English and Gallician Churches; and after a long and patient perseverance in the attempt, had the mortification to find his endeavours frustrated, and the whole scheme abandoned, in consequence of the interference of the See of Rome, and the impracticability of coming to a right understanding upon this point of the Pope's spiritual authority. Other prelates of the same class were Tillotson, Burnet, and Gibson, all strenuous opposers to Popery, yet sincere advocates of toleration. But I pass over these to call the attention of your lordships to those great writers, Locke and Hoadley, on whom I have more than once heard the highest encomiums bestowed in this House: and the point, my lords, to which I request your attention, is the sort of estimation in which the Roman Catholics themselves appear to hold these admired friends of religious freedom. For this purpose, we can hardly resort to higher authority than that of Dr. Milner, the oracle of the present day among the English members of the Romish church. These, my lords, are Dr. Milner's sentiments concerning Locke and Hoadley. —"The Socinian Locke, who will not allow of Catholics being tolerated, on the demonstrated false pretext that they cannot tolerate other Christians."—"Bishop Hoadley, who had no religion at all of his own, would not allow the Catholics to enjoy theirs, because he says, no oaths and solemn assurances, no regard to truth, justice, or honour can restrain them. This is the hypocritical plea for the intolerance of a man who was in the constant habit of violating all his oaths and engagements to a church which had raised him to rank and fortune, and who systematically pursued its degradation into his own anti-Christian Socinianism, by professed deceit and treachery." So much, my lords, for the good-will which Papists bear towards writers whom, of all others, their Protestant friends are continually holding up as models of liberality of sentiment.

Together with bishop Hoadley, I might also mention Dr. Sykes and others who distinguished themselves in the Bangorian Controversy, as advocates of bishop Hoadley's sentiments on spiritual and ecclesiastical authority. Dr. Sykes, in particular, wrote a tract with this title; "Enquiry how far Papists ought to be treated here as good subjects: and how far they are chargeable with the tenets commonly imputed to them." It is true, that this and other similar publications came forth at or near the time when the Pretender had raised a rebellion in this country, and much of their weight and influence may be supposed to have been derived from that circumstance. But what I particularly wish to impress upon your lordships is this:—that, to whatever occurrences they might owe their origin, the arguments and mode of reasoning contained in them have little reference to any particular crisis; but turn chiefly, if not entirely, on those fixed and unalterable tenets of Popery, which then bound, and still continues to bind, all Papists in obedience to the holy see. It is, in short, their professing a divided allegiance between the Pope and their Sovereign, that renders them, in the opinion of these writers, absolutely disqualified for places of trust and power in the state.

Descending now to our own times, what do we find to be the present state of

Popery, with reference to these points in particular, as well as to other tenets which distinguish it from the Popish church?

My lords, there can hardly, I conceive, be a greater cause of offence to a Roman Catholic, than to question the immutability of his faith. It has ever been the boast of the church of Rome, that its creed is unchangeable, and its authority infallible. Its tenets are, at least, in the present day considered to be conformable with the decrees of the Council of Trent; and consequently may fairly be tried by that standard. And while the catechism of that Council, and the creed of pope Pius the 5th are received as accredited authorities by which the Roman Catholics still abide, we can hardly be accused of misrepresentation in bringing their statements to that test.

In what respect, then, is Popery changed? It is continually assumed by those who advocate the Roman Catholic claims, that their peculiar tenets are no longer maintained to the same extent, or in the same acceptation as heretofore; but have undergone certain modifications and interpretations, which render them comparatively harmless. Nay, great efforts have been recently made, both by Romish writers and their friends, to show that their doctrines approximate much more towards those of the church of England than is generally supposed to be the case, and have at length approached so nearly to our own, as to present but a shade of difference between them.

My lords, there is nothing new in these attempts. The very same efforts were made long since by Bossuet, and were successfully encountered and overthrown by archbishop Wake. It has often been the policy of the church of Rome to resort to this expedient, both for the purpose of its own vindication, and to facilitate the work of proselytism among Protestants. A fresh instance of this policy has also been brought before us in the examination of certain Roman Catholic prelates before the committees of the two Houses of Parliament on the state of Ireland. A very favourable opportunity then presented itself to them for such a purpose, of which they availed themselves with no inconsiderable skill and ability. Several of the questions put to them appear to have been of that kind which are technically called "leading questions;" such as almost suggested the answers sought for, and such as those who were to furnish the answers might be supposed most willing to give. In this way, nothing was easier than to frame a plausible representation of several articles of the Romish faith, and to give them such a colouring as might readily satisfy those who were possessed of no other information on the subject. Half an hour's cross-examination might greatly have altered the aspect of such evidence, and have placed it in a very different light.

But, my lords, taking this evidence in the most favourable point of view, what is the result? Is any point of the Pope's spiritual supremacy abandoned? Does not Papal infallibility (so far as concerns an absolute submission to the Papal see in matters of faith) remain the same? Is its principle of intolerance renounced? Is it less intent than heretofore upon proselytism? Is its dominion over the consciences of men less absolute than in former times? If in these respects it still presents to us the same features, there is no need to extend the inquiry to other doctrines less immediately affecting the question before us.

To say nothing more on the subject of papal supremacy, let it be remembered, my lords, that the spiritual authority of the church of Rome extends to matters of practice as well as of faith. Such also is the spirit of proselytism she cherishes, that her clergy are bound to it by the most solemn engagements at their ordination; an obligation never imposed upon our own clergy. Above all, my lords, look at the absolute dominion exercised by the Romish bishops and pastors over every individual of their flocks; to which, perhaps, there is nothing parallel in any other Christian community. To instance only in the use of auricular confession, as it is termed; a duty, exacted from every member of their church, and made imperative as to every thought, word, and deed, under penalties the most appalling. My lords, it is frightful to think upon the state of subjection in which the whole body of the laity are thus enthralled; and of the unbounded influence thus obtained over them by the priesthood; more especially when connected with the inviolable secresy imposed on the priest himself, in the discharge of this part of his duty. Of the possible effect of this upon the interests, nay, the very existence of government, we may form some conception, from the evidence given by Dr. Doyle, in his last examination before your lordships' committee. Being interrogated with respect to the effect of this obligation to secresy, upon that part of the oath of allegiance which requires the subject to disclose to the government any treasonable designs or practices which may come to his knowledge, Dr. Doyle replies, "The secrets communicated in confession, are such as we are supposed to become acquainted with as ministers of the Sacrament of penance; and in that capacity we do not consider ourselves bound, by the oath of allegiance which we take, to reveal secrets committed to us in that way; and as our rite of confession is known to the laws, and our doctrines with regard to it universally acknowledged to exist in our church, the oath which binds us to discover any treason against the state, or against his majesty, which may come to our knowledge, does not oblige us to reveal any thing with which we may become acquainted in sacramental confession; that is the manner in which we understand the clause of the oath."

This is, indeed, an extraordinary instance of ingenuity in the interpretation of an oath; and I might comment on the insecurity to the state, in allowing such a restriction of its meaning as must render it almost nugatory; since it might totally annul its operation in the very case where the danger would be most instant and inevitable. But, my lords, I advert to it chiefly for the purpose of making an observation, which has frequently occurred to me, in reflecting on this subject. It has often been cast as a reproach upon Roman Catholics, that they are not to be bound by the obligations of an oath, because they admit of certain mental reservations incompatible with its strict and full observance. My lords, I have always felt this to be an unworthy and offensive insinuation, unjustly affecting the characters of a body of men whom I cannot persuade myself to regard as deserving of such an opprobrium. I believe the Roman Catholic nobility and gentry to be as incapable of thus tampering with an oath, as any of the Protestant nobility and gentry of the realm. I believe them to be as incapable of mental reservation; and, therefore, in their mode of reconciling the allegiance they swear to the Sovereign in temporals, with that which they conscientiously hold to be due to the Pope in spirituals, I have always imagined that they satisfied their minds by some such constructive interpretation, as that which Dr. Doyle has here distinctly avowed with regard to the secresy of confession. I have conceived they might reason thus:—The state knows our obligations to the Pope; it knows that we owe him obedience, implicit obedience, on certain points; it knows that we regard this as an obligation paramount to all others; and therefore it cannot accuse us of mental or secret reservation, in taking the oath under such a restriction. The reservation is not mental, is not insidious, is not delusive: it is open and avowed; and if the legislature think fit to accept these our conditional protestations and fidelity and submission, there can be no misunderstanding on either side.—If this, my lords, be a correct notion, that I have formed, Dr. Doyle may fairly be considered, in this instance, as virtually speaking the general sentiments both of the clergy and laity of his communion, on every point of duty relative to the state, as well as this: and the state has only to view the matter in this light, and act accordingly. But can it be doubtful, what, in prudence and due regard to the public safety, ought to be the conduct of the legislature towards persons whose upright, honourable, and conscientious adherence to their principles (for upright, honourable, and conscientious I most willingly presume it to be), makes it impossible for them to render more than such a conditional and imperfect submission to the government under which they live?

My lords, there are several other points on which I had intended to make some observations: but I refrain, from an unwillingness to trespass further on your attention. Much might be said on the effects of penance, absolution, and indulgences, as maintained by the Romish church; on the acknowledged difficulties respecting marriage, as stated also by Dr. Doyle; on excommunication; on the Pope's power in nominating to episcopal sees; and on the general principle, still so pertinaciously maintained, of the entire independence of the church of Rome, in its spiritual capacity, on any temporal authority, rule or governance. While these continue to be the avowed tenets of the Roman Catholics, again I ask, are they not really Papists? and can their admissibility to the same power and trust with other subjects be reasonably claimed, or safely granted?

My lords, in making these observations, let me once more disclaim any sentiments of ill will, any hostile or unchristian feelings towards those who are the objects of them. My lords, if I know myself, I am not of an intolerant spirit; and it is painful to me to seem opposed to a body of men whom I know how to respect and to esteem. In the early part of my professional life, I lived in habits of social and friendly intercourse with persons of distinction among them, for whom I entertained a sincere regard. With others of the same description I have since cultivated acquaintance, and hope still to continue doing so. I can honour a papist, who is a papist indeed; and I can honour dissenters of other denominations, who are dissenters indeed. But I cannot equally honour those who affect an approximation of sentiment to ourselves in matters even of essential importance where there can be no real agreement. The best foundation of unaffected good-will between parties thus differing in religion, is, in my opinion, an honest and ingenuous avowal of such difference, without compromising our own principles or being intolerant of those of others.

One more observation, my lords, I cannot forbear to offer. The declared object of the proposed measure is to conciliate the Roman Catholics. But has it been sufficiently considered, what may be the result, with respect to the great mass of the Protestant community? The effect, even in removing dissatisfaction from the lower orders, at least, of the Roman Catholics, appears to me exceedingly doubtful, if not hopeless. But supposing it to have that effect, what are likely to be the feelings of our Protestant fellow subjects? What can be expected but a revival of those protracted and acrimonious controversies which, from the Restoration to the Revolution, so vehemently agitated the public mind? A struggle might probably ensue; and not only would it, under such circumstances, be the natural inclination of the clergy of our establishment, but it would become their bounden duty to press forward in vindication of their own spiritual rights and liberties, and those of the laity committed to their charge. I have no fear, my lords, of the issue of such a struggle. When I look around me, and see the daily increasing phalanx of able and learned defenders of our church, I cannot doubt of a favourable result: and having now passed the meridian of life myself, it gives me increased satisfaction to contemplate such a prospect. Nevertheless, my lords, I cannot but deprecate any course of proceeding that may render such a conflict necessary. I am too conversant with polemics (perhaps have been too much of a polemic myself), not to know that these contests unavoidably engender strife, and enmity, and bitterness, of which no one can foresee the termination.

My lords, for these reasons, among many others, I cannot but view the present bill as most objectionable in its principles, and ill-calculated to produce any such effects as would justify your lordships in suffering it to pass into a law. I must therefore meet it with my decided negative.

The Bishop of *Norwich* rose and said:—

My lords, the learned prelate has gone somewhat out of his way to allude to expressions of mine on a former occasion respecting civil and religious liberty, for which I had the authority of two of the greatest men whom this or any other country ever produced—I mean Locke and Hoadley. It is not my intention to trouble your lordships by repeating what I then said; but I most certainly see no occasion to retract a single syllable of what I asserted.

If the learned prelate, and those of the clergy who agree with him in thinking that it is expedient to withhold from good and loyal civil subjects the civil privileges of the government under which they live, on account of innocent, though (in our judgment) erroneous religious opinions, would be content to state their own sentiments, without intimating that all true friends to our excellent ecclesiastical establishment must entertain the same sentiments, I should feel very little disposed, "in life's last stage," to obtrude myself upon your lordships' attention upon the present occasion; but it is quite impossible for a person in my situation to sit silent under the most distant suspicion of being deficient in zeal for the welfare of that church of which he is a minister, because he feels strongly, and expresses plainly what he feels, whenever the wrongs, the insults,—the unprovoked and cruel wrongs,—which, year after year, are heaped upon more than five millions of as loyal subjects, and as conscientious Christians, as any in his majesty's dominions, become the topic of public discussion; and because he presumes to doubt, whether an obstinate perseverance in this narrow wretched system of exclusion, be the best method of promoting the real interest of the united church of England and Ireland.

This, my lords, is the point at issue, between myself and my clerical brethren, whose petitions crowd your lordships' table, I will not say exclusively crowd it; but I may be permitted to say, that (with the much-to-be-lamented exception of the clergy) the education and property of the kingdom are most decidedly in favour of the bill now under your lordships' consideration. If it be not so, why are there no county petitions; why no petitions from the city of London; none from Westminster; none from Southwark; none, or not more than one or two, from any of our numerous, flourishing, and populous commercial towns? All are silent; "sed dum tacent, clamant." They cry aloud that public opinion is unquestionably friendly to the claims of the Catholics.

But the Catholics, it is said, are intolerant; and to justify this charge, recourse is had to the transactions of ages long since past—ages, when toleration was neither practised or understood by Christians of any denomination: for Knox, and Calvin, and even Cranmer, were persecutors as well as Bonner and the duke of Alva. Can it, then, answer any good purpose, to revive the memory of facts, equally disgraceful to both parties—facts, which every wise and good man would wish, for the honour of human nature, to bury (if it were possible) in eternal oblivion?

An appeal is next made to modern history, by a noble lord on the cross-benches (Colchester): let us see with what justice. I call upon him to show me a single country in the whole of Europe, so degraded by persecuting laws as England is: I call upon him to show me a single country, the inhabitants of which are treated with so much harshness and injustice as the Catholic inhabitants of unhappy Ireland. "But," says the noble lord, "the oppressive laws so much complained of have been repealed for half a century." A very able writer, and a very honest patriot—I mean sir H. Parnell,—in his accurate history of the penal laws of Ireland, tells us a very different story. I will not, however, dwell upon the sad detail; as it is not my intention to aggravate, but to heal.

I have to detain your lordships only a few minutes more. If it could be proved—but I think it never will—that the worldly advantage of any particular ecclesiastical establishment of Christianity cannot be maintained without an obvious violation, on the part of its members, of the leading principles of the Christian religion; such, for instance, as that most excellent precept "to do unto others, in all cases, as we would they should do unto us;" and that "new commandment to love one another"—new, both in degree and extent, which our Divine Master bequeathed to his followers, as his last and best legacy; if, I say, even the church of England cannot stand, unless its members be called upon to act in direct opposition to these distinguishing precepts of our holy religion, I, for one, should say, without the smallest hesitation, let it fall: for, my lords, it must never be forgotten, that an ecclesiastical establishment is no part of Christianity, but the mode only of propagating its doctrines; as has been accurately and justly remarked by archdeacon Paley. It seems, then, to follow, as a legitimate consequence, that the outward building, the mere fabric of the temple, would hardly be worth preserving, if that charity, which is the guardian angel of the inner temple, had taken its flight, and "the glory was departed."

I shall, perhaps, be asked—indeed, I have been asked more than once—if I feel prepared to abide by the result of my opinions; a result which, in the judgment of some, must be attended with the entire loss of those pecuniary advantages, and of the honour of a seat in this House, which I derive from my present situation in the established church? To this question, my lords, my answer is very short, and very sincere. Worldly advantages, of whatever description, which can only be secured by the oppression of five millions of loyal fellow-subjects, and conscientious fellow-christians, have no charms for me: they are poor and valueless; I do not wish to hold them by so bad a tenure: on the contrary, I would gladly relinquish them to-morrow, and "eat my bread in peace and privacy," if by so doing, the cause which I have at heart could be effectually promoted.

These, my lords, are my genuine sentiments: they have been the same for more than half a century, and I am now much too old to change them. I dare not, however, rashly say, as *has* been said, that whatever alteration of circumstances may occur in this ever-shifting scene of human life, these sentiments will remain unaltered: but I will say, that, reflecting seriously upon what has passed, and is still passing before my eyes, there is very little probability of my thinking differently from what I now do.

With respect to the political part of the subject, now under your lordships' consideration, it is not in my province; and, if it were, I should be unwilling to weary your lordships' attention, by a repetition of those unanswered and unanswerable arguments, which have been so often urged, in behalf of the Catholics, by many of the best and wisest men of the age in which we live:—I must, notwithstanding, venture to observe, that your lordships have, once more, an opportunity of doing tardy justice to a large portion of his majesty's subjects—an opportunity which, if neglected, is likely to be followed, and at no very distant period, by events which neither the wisdom nor the power of government may be able to control.

Lord *Carberry* referred to the evidence of Dr. Doyle, and expressed his warm desire that his majesty's government would take up this great question as a measure of state, and see how far the policy of the British constitution, and the principles of the church of Rome, were reconcileable. Of this he was quite convinced, that there could be no permanent peace in Ireland, as long as the subject was left unsettled.

The Bishop of *Chester* rose and said:

My Lords;—I rise under considerable embarrassment to the discussion of this question; an embarrassment proceeding, not only from the unspeakable importance of the question itself, which, under whatever point of view I contemplate it, presents me only with a choice of evils—but an embarrassment arising from finding myself opposed in opinion to many of those, whose virtues I revere and love; whose friendship I hold to be amongst the most honourable distinctions of my life; whose wisdom I have great reason to respect; and to whose political experience I am sensible that I ought to bow. But there are acts of duty, my lords, the faithful performance of which costs us a pang, to be compensated only by the consciousness that they are acts of duty. Whatever my conviction may be on this momentous question, I have at least the satisfaction of knowing that it is a deliberate conviction; the result of much painful research and inquiry; and, in justice to myself, I ought to add, that it is in opposition to my early opinions. The change, indeed, is not of recent date; but I do remember the time, when my mind—imbued with those principles of civil and religious liberty which are interwoven with the very rudiments of education in this country, and disgusted with the severity of the penal code in some of its more hideous features—was inclined to regard the claims of the Roman Catholics with favour. But when I became more thoroughly acquainted with the doctrines and constitution of the Romish Church, and their absolute incompatibility with those very principles which had led me to favour its pretensions—when I understood, not only the importance of an established church, but the impossibility of having any establishment without certain privileges and co-ordinate disabilities—when I reflected upon the evils which Popery, at least, if not the Roman Catholic religion, had inflicted on this country, on Europe, on the world—and when I was thoroughly convinced, as convinced I have long been, that the genius of that ecclesiastical despotism remains essentially unchanged; that if it couches, it slumbers not, but waits the opportunity of re-asserting its energies and grasping at its prey—then, my lords, my opinion was changed: and if aught had been wanting to the fulness of that demonstration by which this change was wrought, I should have found it in the evidence lately laid before your lordships; nay, in those very parts of that evidence, by which, as I understand, some persons have been led to an opposite conclusion, dazzled by a marvellous brightness, outshining the light of history, experience, and common sense. But it may be said, my lords—it has been for the tenth time this very night, if not asserted, yet insinuated—that I come to the decision of this momentous question an interested, and a prejudiced judge: that I come into court with my eyes blinded, but not for the ends of justice; and with a preponderating weight already cast into one scale. But, my lords, I ask with confidence—I ask this House, and let the question be repeated to the country—what right has any noble lord, to impute to the Protestant bishops of England, motives of base and sordid interest, as the main-springs of their opposition to this measure? I ask, my lords, what right? I mean, what grounds are there of history or of observation to justify the charge? Were they motives of personal interest, which led the seven bishops to resist the arbitrary measures of a Popish king, to whose person they were zealously attached; and to embrace imprisonment and persecution, rather than deviate from their duty to the Protestant faith? Ambition, my lords, it may have been; that just and laudable ambition, which I trust has not ceased to burn in the breasts of their less illustrious successors, the ambition of proving themselves vigilant sentinels and intrepid champions of the Church; and, if need be, martyrs in her cause.

With equal justice might interested motives be imputed to your lordships, the proprietors of vast hereditary domains, when you are sitting in deliberation on the laws, which have been devised and enacted by yourselves, for the protection of what is called "the landed interest." With equal justice might it be said that some of the supporters of this bill are swayed by the apprehension of danger to their own possessions. But I pass by such imputations, as unworthy of further notice, and as doing no good service to the cause in which they are employed.

We have heard, my lords—not indeed this evening, although it has been alluded to—but in the previous discussions of this important question we have heard a great deal of the injustice and cruelty of debarring four or five millions of our fellow subjects from the enjoyment of their natural and indefeasible rights. Now, as to the principle, it makes no difference, whether it be four millions of men or four, that are deprived of what is said to be every man's birthright. I say there is no difference in point of principle, whatever there may be as to political expediency. If, therefore, we are to argue the question on abstract principle, let the consideration of numbers be put aside, as an element which does not enter into the solution of the problem. If the concessions be just and politic, grant them, were it but to forty: if otherwise, refuse them, even to four millions of claimants.

But let us examine the meaning of those words, "debarred of their civil," or as some have said, "their natural rights?" Is there any civil right, which, individual citizens may not be called upon to forego, if public expediency demands the sacrifice? Is not this a principle, which, in some shape or other, must be recognized under every imaginable form of civil government? In our own constitution, favourable as it is to liberty, it is recognized and acted upon, in a degree, which seems to have been forgotten by those persons who so loudly denounce the injustice of withholding from any class of men a direct share in the actual government of the country: for this, simply this, is the civil right which is the present object of contention. It seems to me, I confess, to be as unjust, in the abstract, to exclude a man from the legislature for want of a certain amount of property, as it is, to hold him disqualified, on account of certain opinions which affect the integrity and security of the commonwealth. I really am unable, in this view of the subject, to discriminate between the shades of injustice in the two cases. I know of only one answer which can be given to this argument, which is, that in the one case we have a certain test of qualification; in the other, an uncertain; an answer, which does not hold good with respect to the Roman Catholics, whose principles, if they are Roman Catholics indeed, are fixed, certain, and notorious. The fact is, that in both cases, a civil right is concluded and foreclosed, because public expediency requires it.

But further, my lords, this principle is recognized by the supporters of the present bill, and in a manner somewhat extraordinary. The right of electing those who are to legislate for us, is certainly not less sacred than that of having a direct share in legislation. To take away this privilege, is confessedly a greater violation of natural justice, a more daring inroad into the pale of civil right, than a mere exclusion from the legislature. Yet this is the very injustice, for so, arguing on their own principles, I must call it, which the advocates of civil right now propose to commit upon a gigantic scale—by a sort of compensation, which, to my apprehension, throws into the shade the minor solecisms of the penal code. To admit with safety a few favoured persons to the privilege of legislation, you disfranchise three or four hundred thousand, and deprive them of a much more sacred and inalienable right. I give no opinion as to the expediency of that measure, I am only arguing, that the ablest advocates of civil right are compelled to admit in practice, that it is limitable, and may be restricted, or withholden altogether. Nay more, my lords, in the very measure which now awaits your decision, is this principle acknowledged and embodied; for it proposes to continue and perpetuate the exclusion of Roman Catholics from certain offices of trust and power, to which they have as fair a right to aspire, as to a share in your legislative deliberations. Of all judicial situations, that of the Lord High Chancellor may well be the highest object of ambition to a Roman Catholic, and his exclusion from it the greatest grievance; inasmuch as in the decisions of a judge, who is not confined by the trammels of the statute law, but proceeds upon a discretionary equity, there is the greater scope for partiality and prejudice. Yet from this office, my lords, we are told by one of their own clergy, Mr. Collins, the Roman Catholics would consent to be excluded, on account of the great state necessity which requires such exclusion. And this great state necessity he interprets to mean, the general persuasion of the English people that Roman Catholics should be excluded from that high office.

I maintain, therefore, my lords, that upon the plainest principles which regulate civil society, upon the ground of universal and invariable usage, by the admission and enactment of the framers of this bill, civil rights are limitable by expediency; and that a capacity to serve the state in offices of trust and power, which is not limitable by the constitution, where there are just grounds for limitation, is such a capacity as is inconsistent with all forms of government in the world. I think, then, my lords that we have now disposed of the question of right; the next point of inquiry is, whether any opinions can form a just ground of disqualification for civil office.

It has been remarked elsewhere (with what truth I will not now stay to inquire), that a man is no more answerable for his opinions, than he is for the colour of his hair, or his constitutional peculiarities. Admitting, for the sake of argument, the justice of this observation, I need hardly remind your lordships, that there are constitutional peculiarities and personal defects, which do in fact disqualify a man from holding certain offices. They are his misfortune, not his fault. He is not morally responsible for them: but he must patiently submit to the privation, which, under the existing order of things, they unavoidably bring upon him.

The question then is, my lords, are the opinions held by Roman Catholics of such a nature, as to unfit them for holding offices of trust and power, and more especially for being legislators in a Protestant state?—that is one question. Another is, whether the exigency of the present case be such, as should induce us, for the sake of avoiding probable dangers, to venture upon a great violation of constitutional principle? A third question is, whether the measure now before your lordships will answer the purpose for which it is intended?—that of pacification. I am not about to dwell at any length upon these three points, the last of which seems to me just now to be the most important. If there be one fact, my lords, which the evidence lately put into your lordships' hands more clearly establishes than another, it is this; that up to a very recent date, the disturbances in Ireland have had nothing to do with Roman Catholic disabilities. The calamities of that unhappy country have a far different origin. She labours under the malignant influence of a more deeply-seated, a more inveterate, but, I trust in God, not an incurable disease. It was stated in evidence, by a distinguished member of another House, that the proximate cause of disturbance in Ireland, is the extreme misery of the peasantry: the remote is to be found in what he justly designated a radically vicious state of society—a state, which, if your lordships will condescend to hear the opinion of one so inexperienced in political questions, I should say, requires the most prompt and vigorous measures of statistic legislation. It is, indeed, such a state of society as exists in no other Christian country; where the chief proprietors of the soil are absent; and their places supplied by persons of inferior education, and, what is worse, of immoral habits; a system of tenancy engrafted upon tenancy, which, by an almost inconceivable climax of extortion, wrings at length from the miserable cultivator of the soil more than the soil itself produces; where whole provinces obstinately adhere to absurd and obsolete usages, in direct opposition to the common and statute law of the realm. Such a state of society as this, my lords, is to be corrected, not by such measures as that which is now before the House, but by other measures of a more comprehensive and efficacious kind; by the adoption of a more equitable system of tenure; by a purer administration of justice in its inferior departments; by an alteration in the revenue laws; by the establishment of manufactures and the extension of commerce; by the introduction of an effective system of education; and last, but not least, because it would lead the way to all the rest, by the return of the proprietors of the soil.

Relief from the evils of such a system, my lords, is the emancipation of which Ireland stands in need: this is the emancipation which would raise her from her degraded state, by rescuing her sons, first from sloth and reckless poverty, and then from ignorance, superstition, and insubordination. When this comprehensive act of justice shall have been done; when these effectual remedies have been applied, and their effects perceived in the civil and moral improvement of her population, then, my lords, it will be time enough to talk of further concessions of political power.

It appears, that, until the year 1823, the great body of the Roman Catholics cared but little about what is called emancipation; and even now, their notion of it is, according to one witness, the restoration of their church to its ancient supremacy; according to another, the recovery of the forfeited estates. Whichsoever of these expectations they may entertain, and I think it probable that they entertain them both, it becomes this House to consider, whether, if this bill be passed into a law, it will satisfy the great mass of the Roman Catholic peasantry, when they find that it confers upon them neither of those boons; although in effect it carries one of them in its train? To what lengths their feelings of disappointment may drive them, if the measures should not be carried, I pretend not to foresee: I confess I am not altogether free from apprehension. But be those feelings what they may, this I will venture to assert, that they owe their existence to the artifices of a few political agitators—I use the term, my lords, advisedly and deliberately, for one of the most conspicuous of their leaders not long ago thanked his God that he was an agitator—a knot of men, who have thrown this leaven into the mass, predisposed from other causes to ferment, in order that while the vast body heaves and swells under the process, they may themselves be lifted to the surface. This view of the subject, my lords, is amply justified by the evidence before your lordships' committee. It was not till the Catholic Association commenced its operations, that the great body of the Roman Catholics in Ireland began to think much of emancipation, as it is called; a question, which, as it directly affected only a few, was not likely to trouble the repose of the many; who, if they had been permitted to enjoy, in any fair proportion, the produce of their honest labour, would have cared but little for the exclusion of a few of their richer brethren from parliament. That it has not hitherto been to them a cause of discontent, is proved by the fact, that their propensity to outrage and lawless violence has not diminished in proportion to the successive relaxations of the penal code. In fact, they hardly know that such relaxation has taken place; a plain, an undeniable proof that former concessions, far exceeding in number and importance those which remain to be made, have had no effect whatever on their conduct or their comfort. It is also a proof, my lords, that those persons, on whom the Roman Catholic peasantry depend for information and instruction, have thought fit to withhold from them that knowledge, which, if imparted, would have been a persuasive to loyalty and contentedness, and a sedative, at least, to feelings of insubordination. The motives of that class of persons, who have kept the people in ignorance of those benefits, which were represented to be of vital importance to them, I pretend not to assign. But this I will say, that it is precisely the line of conduct which would have been pursued by those, who, having a far greater and more perilous object of enterprize in view, would treat as insignificant and trivial all the preliminary points of conquest. It is consistent with the policy of skilful engineers, who regard the successive removal of barriers and outworks only as opening the way for an assault upon the citadel. Such would be the policy of these, who value even the admission of their lay brethren into parliament, only as facilitating the accomplishment of their grand scheme, the establishment of the Roman Catholic upon the ruins of the Protestant church:

Actum, inquit, nihil est, nisi Poeno milite portas
Frangimus, et media vexillum pono suburra.

Most truly, my lords, was it observed of Popery, in the remonstrance of the Commons to king James the first: "It hath a restless spirit, and will strive by these gradations. If it once get but a connivance, it will press for a toleration; if that be obtained, they must have an equality; from thence they will aspire to a superiority; and will never rest till they have got a subversion of the true religion." That this, my lords, is the object which the Roman Catholic hierarchy and priesthood of Ireland have in view, is, to my mind, as clear as the sun at noon-day. Nothing short of this will satisfy them; although I hope we may live to see the time, when, under the divine blessing, wiser and more effectual measures of relief shall render the lower orders in that country an educated, an industrious, a contented people; and shall wrest a formidable engine of disturbance from the hands of those who now wield it at their will. Depend upon it, my lords, if the Roman Catholic population of Ireland suffer religious feelings to mix themselves with the causes of disturbance, they are feelings which extend themselves far beyond the narrow limits of the present bill, which therefore we cannot reasonably regard as a measure of pacification. And surely it is somewhat suspicious, when we are told by some of its warmest advocates, by those who are best acquainted with the feelings and habits of the people, that we must not expect complete pacification in less than twenty years, and even then, only from the combined operation of this measure with others of a very different kind. A very competent witness, Mr. M'Carthy, has said, that if employment were provided for the peasantry, and other measures devised for their benefit, Ireland might be quiet, without these concessions; but he fears they would still be made a handle of. A handle, my lords? Is there a noble lord that hears me, who does not think, that if the bill before us is passed, there will not be abundance of such handles, in the remaining points of exclusion, in the political inferiority of the Roman Catholic church, and in the materials which it will supply for electioneering intrigues and cabals?

I maintain, therefore, my lords, that in applying this remedial measure as an anodyne to the spasms by which Ireland is convulsed, your lordships will commit a great practical error in the diagnosis of her complaint. You will administer a remedy for one disease, while all the symptoms indicate the presence of another. Persuaded as I am of the ultimate objects of the Roman Catholic priesthood (and I impute to them no blame, as sincere Roman Catholics, for entertaining such views), believing that they aim at the subversion of the Protestant church, and the erection of their own upon its ruins—can you blame me, as a minister and guardian of that Protestant church, if I give my decided opposition to a measure which will give them unspeakable facilities in the attainment of that object? We all know what novel and dangerous notions are afloat respecting church property. I need hardly remind you of that iniquitous resolution of the Irish House of Commons relative to the tithe of agistment, which passed into a law at the Union. And have we no reason to apprehend still more daring attempts upon the property of the Church, when twenty or thirty Roman Catholic members shall have found their way into the other House, pledged to support every measure against the tithe system, and sure of being cashiered by the priests at the next election, if they be lukewarm and inactive in the cause. I confess, my lords, I cannot contemplate without alarm, the probable influence of such a compact body of voters, moving perhaps in the train of one of those portentous comets, which

> from their horrid hair
> Shake pestilence and war—

against all that protects the religious establishments of the country.

Such, my lords, are the opinions which I have been led to form, by a careful perusal of the evidence on the state of Ireland. We have been repeatedly told, my reverend brethren and myself, not to look at this question in a merely religious point of view, but to regard it as a great political measure. I have, therefore, thought it my duty to enter, somewhat at large, into its probable results. In so doing, I am not insensible of my presumption, in offering advice to your lordships, whose experience in these questions so greatly surpasses my own; and in taking upon myself a character, of which it has always been my endeavour to steer clear—that of a politician. My opinion, such as it is, is sincere; and I am open to conviction, if it can be proved to be false.

I come now, my lords, to that question, on which I may be considered more competent to form an opinion; I mean the doctrines of the Roman Catholic church. But before I touch upon dogmas of a more speculative kind, let me call your lordships' attention to a point which affects us more nearly and directly; I mean the sentiments and feelings entertained by the Roman Catholic body towards the Protestant church. One distinguished witness, a member of that communion, declared, that were he not convinced that the present measure would tend to strengthen the Protestant interest, he would not support it; of course this expression is to be taken with that latitude of meaning, which, I believe, is usually allowed to speakers from the other side of St. George's Channel; but certainly it savours of the indiscreet warmth of a witness, who, in his anxiety to serve the cause in hand, proves rather too much. However, I have no right to question the sincerity of that very able and distinguished person, as far as his own feelings are concerned. But if you consider him to be the representative, in that respect, of the Roman Catholic body, no idea can be more fallacious. That such are not the sentiments of that body appears from the general tenor of the evidence before your lordships. And now, with regard to that evidence, I must take the liberty of making one remark. As far as facts are concerned, and the opinion of the individual witnesses, I am disposed to receive their testimony without hesitation or doubt. But as to the views and wishes of the Roman Catholics of Ireland, I hope your lordships did not expect, through the medium of your committee (for no tribunal so constituted could reasonably expect), to arrive at the truth, the whole truth, and nothing but the truth. That is a result, my lords, which depends quite as much upon those who question, as upon those who answer; a position most remarkably exemplified in the evidence before us, as I could easily show, were time and space allowed me. What I say, my lords, is, that as to the wishes and hopes of the Roman Catholics, you cannot form a correct estimate of them from the cautious and guarded statements of a few able men, whose answers would go no further than the questions put to them; who stood before you, armed at all points upon the objects of your inquiry, and declaring, not the views and purposes of the whole Roman Catholic body, for they had no authority so to do, but their own individual opinion of what those views and purposes ought to be. No, my lords; if you would learn the sentiments and hopes which pervade the great mass of the Roman Catholic population, attend their public meetings; hear their favourite orators, not unskilled in human nature, select those topics which are most congenial with the feelings of their audience; hear them denounce the Protestant church as an intolerable nuisance, a baneful pest, an incubus upon the prosperity of the country: listen to the applause with which these declarations are received, and then judge of the views which the Roman Catholics entertain. In a very remarkable speech of Dr. Dromgoole, which was received by a crowded assembly with acclamations of applause, and which was afterwards declared by a priest of his communion to be "Catholic, purely, precisely Catholic," he thus speaks of the Protestant church—"It shall fall, and nothing but the memory of the mischiefs it has created shall survive. It has had its time upon earth; and when the time arrives, shall Catholics be bound by an oath to uphold a system, which they believe will one day be rejected by the whole earth?" So spoke the Popish layman. Now hear the priest (Mr. Gandolphy)—and they are his words taken from a book, which, although it was rejected by the moderation or the policy of the Vicar Apostolic of his district, was carried to the foot of the Papal throne, received the sanction of the highest authority, and was declared "worthy of being cased in cedar and gold, and highly advantageous to the Catholic church." He says of the English church, that "she is the eldest of her heretical sisterhood—a rebellious child—with a hateful eye he views the sickly sprouts which issue from its broken branches—they shall gather it up and cast it into the fire, and it shall burn."

——teda lucebit in illa
Qua stantes ardent, qui fixo gutture fumant.

Such, my lords, are the sentiments at this day avowed by some, and applauded by many more, of that great body to whom we are required to make further concessions of political power.

As to the property of our church, I once thought that the Roman Catholic priesthood cast a longing eye on her tithes. On that point I have been undeceived. They now tell us that they have no desire whatever to appropriate the tithes to themselves; they only intend to take them away from the Protestant church. Surely, my lords, there cannot be a more effectual method of destroying an adversary, than to deprive him of the means of subsistence. And that this is the full purpose and intention of the Roman Catholics, I prove by the most authentic testimony. I prove it, my lords, by their own petition, presented to the House of Commons on the 31st of May, 1824. In that petition, and it is a document well worthy your lordships' most serious attention, they plainly insinuate that, in order to satisfy them, three things are absolutely necessary. And what are these three things? 1st, the repeal of the union; 2nd, the abolition of tithes; and 3rd, the annulling of all corporate privileges. Upon this remarkable petition I will not dwell at length, but request your lordships' attention to a not less important testimony. In one of the letters published under the signature of J. K. L., and generally attributed to Dr. Doyle, a very different person from the Dr. Doyle who appeared before your lordships' committee—it is said, that "the Catholics, as Catholics, have no designs hostile to the church; but, as a body of men chiefly employed in agricultural pursuits, they object not to the church, but to the establishment." My lords, I think that a pretty convincing mark of hostility to the church, would be to take away the immunities and property which it enjoys as an establishment. The distinction which is taken by Dr. Doyle, is about as valid, as if a disappointed suitor in the court of Chancery were to approach the noble and learned lord on the woolsack (I beg that noble lord's pardon, but I am sure he will not be offended at my introducing his name, to illustrate my argument)—and were to say to him, "My lord, I beg to assure you, that I, as A. B., entertain no personal animosity towards your lordship, as earl of Eldon; but, as a disappointed suitor in your court, I must beg leave to administer to you, as Lord High Chancellor, a knock on the head." Exactly such, my lords, is the miserable sophistry of Dr. Doyle. He is kindly disposed towards the church, as a church, but as an establishment he would starve her to death.

This same Dr. Doyle (I beg his pardon, this same J. K. L.) declares that the Protestant clergy are, and will be detested: he asserts, that all the efforts of legislators to improve and enrich Ireland have been marred by the Protestant clergy; and that the murders and atrocities which stain the character of the nation, harden its heart, and brutalize its feeling, have been occasioned or committed by the agents of the Protestant clergy —that clergy, my lords, to whose zeal and usefulness, and in most cases to their forbearance, your witnesses have borne their almost concurrent testimony: that clergy, who, in the great moral destitution and desolation of Ireland remained as oases in the desert; the only class of resident gentry, to whom the peasantry looked up with respect and gratitude; whose houses, in the midst of nocturnal plunder and conflagration, remained unprotected, and uninjured.

My lords, I trust that I am not moved to anger by these calumnious imputations upon my brethren, I hope, at least, that I shall not be thought disposed to say a word by way of retaliation; I would not speak with harshness of one who is placed in the same spiritual order with myself; but, there are emergencies, my lords, when justice requires the truth to be plainly spoken; and the present is one of them. It is my duty to call upon your lordships seriously to consider, what degree of weight, as to matters of opinion, ought to be attached to the testimony of a man, who, from the covert of his half-concealment, hurls firebrands into the sanctuary of the Protestant faith, and darts his poisoned arrows abroad; who engrafts upon the intolerant bigotry of the Romish church, the levelling doctrines of jacobinism, and then comes before your lordships, to soften down, with glozing words, the asperities of his recorded calumny; and hints his disavowal, and hesitates his dislike, of doctrines which stand emblazoned in every official document of the church to which he belongs.

I now pass, my lords, by a natural transition, from Dr. Doyle to the Pope. It is easy to show, that the distinction which is attempted to be drawn between the papal supremacy in things spiritual and things temporal, is a distinction which exists only in theory. Before it can be admitted as practical, the religionists of the Romish church must provide themselves with two distinct sets of principles and feelings, the one relating purely and solely to the things of this world, the other to things eternal. I had intended to quote the sentiments of their own divines on this question, but the subject has been so ably discussed by my right reverend friend, the bishop of Llandaff, that it is needless for me to dwell upon it. The Pope's supremacy is at least ecclesiastical; and an ecclesiastical supremacy necessarily involves some temporal jurisdiction. In point of fact, does not the Pope appoint all the titular bishops of Ireland, with incomes of from five hundred to two thousand pounds a year? And have not these bishops the nomination of all the parish priests, the minimum of whose total income is already 150,000*l.*? Is this no interference in temporals? Is it nothing, my lords, that a foreign potentate, the mortal foe of your church, should have in the very precincts of that church a well-disciplined army of 3000 men, sworn to pay implicit obedience to his commands; whose generals he appoints, and, be it remembered, has appointed, if not the creatures and partizans, yet the nominees of a popish pretender to the throne? It is said, indeed, that a titular bishop appointed by the Pope, at the recommendation of the Pretender, might have retained unimpaired his allegiance to the Protestant monarch on the throne. It is possible, no doubt. But what do your lordships imagine would have been his conduct, had the Pretender appeared at any time with an imposing force on the shores of Ireland? He would have been perplexed; but he would probably have been relieved from his perplexity by the exercise of what is called the *Altum Dominium;* that *ratio ultima paparum,* the specific reserved for emergencies of conscience. He would have been released from his oath of allegiance, as the subjects of the Bourbons, by a bull of Pius 7th, were released from theirs.

I come now, my lords, to the deposing power of the Pope, which Dr. Doyle tells us is obsolete; a well-chosen word; not abrogated; not annulled; not disavowed; but obsolete. Not to mention a long list of instances which occurred before the 17th century, I would remind your lordships that Pope Urban 8th pretended to depose Charles 1st in Ireland, in 1643. That Benedict 13th issued a deposing bull against George 2nd in 1729, and that Pius 7th deposed Louis 18th and absolved all Frenchmen from their oaths of allegiance, when he crowned his dear son Napoleon. I acknowledge, my lords, that these were empty displays of authority. But although they were empty displays, as far as regards the actual power of the Pope, they were not without their effect upon the minds of faithful Roman Catholics, as we should have found to our cost, had circumstances favoured their operation. But Dr. Doyle says, this doctrine is obsolete; that is, out of use. Why, my lords, in 1805, Pope Pius 7th instructs his nuncio at Vienna, that the church had decreed, as a punishment of heresy, the confiscation of heretical property; but unfortunately she cannot now exercise her right of deposing heretics from their principalities. This, then, my lords, is the obsolete power of deposing princes—obsolete, as the strength of a tiger is obsolete, when his claws are pared and his limbs manacled. These offensive tenets are still embraced by the Romish church: individuals there may be, and doubtless are, who either disavow them, or retain them in a qualified and mitigated sense: but they are still the doctrines of their church: and it is not competent to any one or more of its members to disclaim them, in the name and on the behalf of the church. Dr. Doyle knows, that he has no authority so to do: for he himself has told us, that the decisions even of Roman Catholic universities on such matters are not conclusive. Neither Dr. Doyle nor any Roman Catholic university in Christendom will dare to say, that a single canon of the council of Trent is to be rejected or contemned: and I maintain, that a church, whose profession of faith and rule of discipline are to be found in the acts of that council, is unfit to be admitted to any considerable share of power or authority in a Protestant state.

In imputing to that church the doctrines which she solemnly professes to maintain, I hope I shall not be considered as casting any blame upon the individuals of her communion. If they are consistent in their religious creed, if they are true Roman Catholics, they must believe whatever their church has declared necessary to be believed. My lords, I had prepared myself to enter more at length into this part of the subject, and to show by documentary evidence, that not one of these offensive doctrines has in point of fact been relinquished by the Romish church. But having already trespassed upon your lordships attention much longer than I had intended I shall draw my observations to a close.

At the same time, my lords, I think it right to state that some of these doctrines are asserted or insinuated both in the class books at Maynooth, and in the elementary books of religious instruction, which are in common use in Ireland. To mention only one; the sanctity of an oath. It is perfectly notorious, that the Irish peasantry in general pay no regard at all to this most sacred of all obligations. They are taught in Dr. James Butler's Roman Catholic catechism, a work in very general use, that an unjust oath is not binding: and to the question, what is an unjust oath? the answer is, that which is injurious to God, our neighbour, or ourselves. As to the first part of the definition, we know what interpretation may be put upon it by the Romish church; as to the last, it is very inconsistent with the description given in a book of unquestionable authority, where it is said of the righteous man, that "he sweareth to his neighbour and disappointeth him not, though it were to his own hindrance."

These are some of the arguments, my lords, which I have to urge against the adoption of the present measure. There are others, with which, at this hour of the night I must forbear to trouble your lordships. Upon the whole, I contend that the bill now before us, is not an effectual measure of pacification; on the contrary, I regard it, as containing within itself the materials of dissension and civil commotion. That it is an inroad upon the constitution as by law established, and a violation of the principles of that constitution, is not to be denied. It proposes to admit a powerful and active body of foes into the very citadel of our Protestant faith. It is but a stepping stone to those, who are bent upon scaling the walls of our establishment, and depriving us of our immunities and rights. Once more I beg leave to declare, that I impute no blame to the Roman Catholics for desiring that consummation; and I think it but an act of justice to say, that as far as my personal acquaintance has extended amongst the higher orders of Roman Catholics in this country, I have seen nothing which led me to believe, that they were under the influence of the more obnoxious doctrines of their church. The few whom I have known, I have had reason to value and esteem. One gentleman in my own diocese, possessing large landed property, has, in a spirit of liberality (may I be permitted, without offence, to say) worthy of a purer faith, supported nearly at his own expense, a national school.

I must also, my lords, freely admit, that I may be mistaken, as to the consequences which in my conscience I believe this bill, if passed into a law, will produce. We live in an age, which has taught us by experience not to speculate too confidently upon the results of any great political measure. And I have, besides, a firm confidence in the continuance of that providential care, which has hitherto wonderfully protected the church of these realms, and which, while she continues to answer the great ends of her existence, will not, I am persuaded, be withdrawn from her. But it is our part and duty, my lords, to act according to the dictates of human wisdom; and I cannot consent, for the sake of avoiding a possible and contingent danger, to make a great inroad upon the constitution, nor sacrifice our certain securities for the uncertain chance of conciliation; injuring ourselves without conferring an adequate benefit upon others. These, my lords, are some of the reasons which will induce me to give my vote in the negative this evening; not, certainly, a satisfactory but a conscientious vote—and I wish they may be such, as to turn your lordships' serious attention to the nature of those dangers, with which the Protestant interest is threatened by the present bill.

The Earl of *Limerick* said, he rose to support the bill, and to defend the Catholic clergy and gentry of Ireland from the sweeping charges brought against them by the right reverend prelate who had just sat down. The right reverend prelate had stated, that the peasantry were miserable; it was perfectly true, they were miserable. The right reverend lord had also said, that the principal landlords of Ireland did not reside there. He (lord L.) agreed that it was desirable that all landlords should reside on their respective properties, although he admitted that he was an absentee himself. But, why had the right reverend prelate omitted to state, that the clergy were not all resident?—And surely the right reverend lord would admit that the non-residence of the proprietors of allodial estates was not calculated to produce worse effects than the non-residence of those who were charged with the moral and religious instruction of the people. The former would be slaves, were they compelled always to reside on their estates; but the latter were bound to reside upon their livings because they received payment from the state on condition of doing so. The right reverend prelate, in the course of his speech, had used language which could not fail to irritate all classes of people in Ireland. It was almost an equal censure on the Catholics, the Protestants, the landowners and the peasantry. He seemed to say to the Catholics, "Do what you will—say what you will—we will not believe you;"

and had all but advised the making of interminable war on at least one-third of the people of Ireland. The right reverend prelate's speech had been full of intolerance; he should have cast his eye upon a right reverend brother who sat near him, and who had given him a noble example to imitate. That right reverend personage, in a speech full of eloquence and wisdom and piety, had pointed out to him the duties of Christian benevolence. Instead, however, of following his venerable brother, the right reverend prelate had started off in the opposite direction; and had directed all the force of his talent against the claims of his Catholic countrymen. He had said, that the Catholic bishops of Ireland were nominated by the Pope. This was not the case. Three persons were nominated by the Irish bishops, and the Pope was obliged to select one of them. There was no Catholic bishop in Ireland with a revenue of 3,000*l.* a-year. Whence was such a revenue to he derived? Not from see lands; not from fines; but from the parish in which the bishop resided. And, how was his revenue collected? From the poor under his care, in sixpences, and shillings, and half-crowns—paltry sums which the right reverend prelate opposite would not like to have his income meted out to him in. The duty, too, of the Irish bishops was admirably performed. None of them were to be found in Bath—none in Cheltenham—none in London. They were present with their flocks, in health and in sickness, and were at all times ready to afford them that spiritual consolation they might require After ridiculing the idea that such men were not to be believed upon their oaths, the noble earl apologized to the House for the unpremeditated sentiments which he had offered to its notice; but he should have considered himself wanting in duty to his country as an Irishman, if he had allowed the assertions of the right reverend prelate to go forth to the world without contradiction.

The Bishop of *Chester* explained. He said, that nothing was further from his intention than to have cast an imputation on the landed proprietors of Ireland. He merely meant to say, that it might with as much propriety be cast upon them as upon the clergy.

The Earl of Harrowby here moved for an adjournment; but the general feeling of their lordships not appearing favourable thereto, it was not pressed.

The Marquis of *Lansdown* began by observing, that on this momentous occasion he felt bound to state to their lordships his reasons for giving his earnest support to the present bill; but, before he entered on the general merits of the question, he would say a few words upon the arguments urged on the other side by the right reverend prelate (the bishop of Chester). The right reverend prelate had laid it down, that the enjoyment of every civil right ought to be regulated by expediency; and here he must observe, that if the right reverend prelate rested his objections on the ground of expediency, he was, in all the other arguments which he had used, combatting with a shadow; for if the ground of political expediency existed, the discussion on the theological grounds was not necessary; but if, as he had often contended, and was again prepared to contend that night, the expediency of excluding six millions of people from their civil rights had long ago ceased to exist, it must follow that they ought to be admitted to the enjoyment of those rights which were theirs in common with all other British subjects. He would contend, that the expediency of exclusion, if it were even well founded, had long since ceased, and that a regard for the security of property, for the peace of the country, and for the stability of the church itself, dictated the propriety of putting an end to the system of exclusion, which had proved one of the greatest evils that Ireland ever experienced. The right reverend prelate had said, that in the course of his recent studies, he had found reason to change his opinions on this question, in consequence of evils existing, connected with the state of Ireland: but, he had not informed their lordships how many of those evils had arisen out of the nature of the Catholic disabilities, nor how the great statistical remedy (a word which the right reverend prelate seemed to have borrowed from sir John Sinclair) should be applied, without removing those disabilities;—he had not stated how they were to acquire in Ireland a Catholic gentry and yeomanry without a system by which the one and the other might be protected and conciliated. The right reverend prelate, in enumerating the causes which produced the disturbed state of Ireland, had overlooked one circumstance which he might have remembered; namely, that in that country there was the singular anomaly of a church establishment which was not the religion of the great body of the people. How would he apply any remedy which would secure the stability of that church, without embracing a measure that would have the effect of conciliating the great body of the people? He would tell the right reverend prelate, that if they wished to preserve the church establishment in that country, that if they wished to ensure stability to the government of that country, their measures must be bottomed on the affections of the great mass of the people. The right reverend prelate, while he deprecated any attacks on the motives of individuals, had himself indulged to a very great latitude in that way, and had made a serious charge on the great body of the Irish Catholics. The right reverend prelate charged them with a desire to overturn the church establishment, and to regain possession of the forfeited estates. But, on what authority did he make that charge? On the authority of a Protestant! and that, too, in opposition to every tittle of evidence which had been given on the subject by Catholic bishops and priests, as well as every member of the Catholic laity who was examined before their lordships' committee. Surely the right reverend prelate could not have read the evidence; for if he had he would have found that every Catholic who was examined had most fully and distinctly disclaimed any such intention, and in this they were supported by every Protestant of intelligence who had stated his opinions before the committee. Protestants and Catholics concurred in stating, that the forfeited estates were considered as secure as any property in the country; and indeed, in one respect they were considered more valuable, inasmuch as the title to them could more readily be made out. If any fact were necessary in support of the solemn declaration on oath of the Catholics on this subject, it would be found in their own practice; for it was a fact, that those Catholics whose wealth had enabled them to purchase property, had, to a great extent, become the purchasers of those very forfeited estates. After this, could it be said that they were not disposed to respect the titles to such property? Could it be supposed that they were anxious to invalidate the rights of those from whom they derived their own by purchase? Yet it was on such grounds that the right reverend prelate had rested his tender apprehensions for the security of those Protestants who now held forfeited estates. He hoped the right reverend prelate's better recollection, or more attentive observation, might teach him a little more as to the real state of Ireland, with respect to the security of church and other property in Ireland. It was true that one of the grounds on which he should support the present bill, was the insecurity to which property would be exposed in Ireland from its refusal; but that insecurity rested on very different grounds from those which the right reverend prelate had taken. The insecurity which he dreaded was that which must ever exist where discontent prevailed among the great body of the people. The right reverend prelate, in his remarks on the conduct of certain individuals in Ireland, had spoken of the Catholic Association, and observed, that no feeling of discontent prevailed in the country until that association was formed. Did the right reverend prelate for a moment take into consideration the causes which produced that association? Why were none such formed in this country? Because no ground for similar discontent existed; because no feeling of such injustice to the great body of the people prevailed—a feeling which, while it was suffered to remain, would be daily breaking out into new phantasmas, that it would be impossible ever to get rid of, until the great question which produced them was set at rest.—The right reverend prelate had quoted many violent opinions with respect to the church of England, which he had commented upon, and condemned, as the opinions of the great body of the Catholics. But many of those opinions could be traced, as the right reverend prelate himself admitted, to a speech delivered by a Dr. Dromgoole some ten or fifteen, or perhaps twenty years ago; for he really did not recollect. Upon these the right reverend prelate had fastened, and taking them as articles of the Roman Catholic faith, had urged them as arguments against the bill before the House. Was this, he would ask, fair? Was it treating the Catholics with common justice, to fasten upon them doctrines which they disavowed, merely because they happened to be used by one of their body? Their lordships had heard of the writings of a reverend baronet—he meant the rev. sir Harcourt Lees—would the right reverend prelate approve of the language contained in those writings? Would he subscribe to all the opinions they embraced? Would he even approve of the principles contained in some of the petitions presented on this subject? Would he be disposed to sanction all those principles as doctrines taught by the church of England? Undoubtedly he would not. Why, then, in fairness should he use a mode of reasoning towards others which he would think it unjust to have applied to himself? Was it not most unjust to condemn men by attributing to them opinions and doctrines which they wholly disavowed?—He had heard from the right reverend prelate, that he was disposed to argue this question on the ground of expediency. If he took that ground, it would be getting rid of more than half the objections which had been urged against it, in and out of that House. If the question was allowed to rest on expediency, then there was an end of the objection respecting transubstantiation, and the several other doctrinal points which were urged—there was an end to the objection resting on the belief of the spiritual supremacy of the Pope, beyond this—how far that belief was calculated to operate on six millions of people so as justly to disqualify them from the enjoyment of their civil rights as British subjects. Leaving those points out of the question, he would readily consent to view this measure as one of expediency; and taking advantage of an admission made by a right reverend prelate, that the spirit of Protestantism was never more prevalent in the country, since the Reformation, than it was at present, he would ask, if that were true, what need had it of the crutches of the penal code to support it? He would rather look at this question as a Protestant than as a Catholic question. He would consider it rather as it affected the security of the church establishment, the security of property in Ireland, and the general safety of that country. Upon these grounds he might confidently rest it, without reference to the justice of the claim on the part of the Catholics (though on that ground alone a strong claim might be made)—a claim strengthened by the recollection of their fidelity to the state in times of danger; but, waving those, he would ask the opponents of this bill, what had the Protestant church to apprehend, if it were passed; or what had it to gain by its being rejected? He had expected, that when the right reverend prelate spoke of his recent studies on this subject, he would have stated to their lordships facts connected with the present condition of the Catholics of Ireland, with their present opinions and conduct. Instead of this, however, he had stated, that bulls had been sent over by one of the popes to depose George 2nd. True, the right reverend prelate admitted that these bulls had had no effect—that they formed no part of the history of the country; yet, he added, they affected the minds of the Catholics, though they did not arm their hands. Now, he was prepared to contend, that those very bulls, and the reception they met in this country, were the strongest proof of the truth of what Dr. Doyle had given in evidence; namely, that there was a line drawn by Catholics between the ecclesiastical and temporal power of the Pope—a line which a noble baron (Colchester) could not see—a line beyond which, if the Pope attempted any act of temporal power in this country, the obedience of the Roman Catholic ceased.—The noble marquis, after again adverting to the unfairness of selecting tenets which the Catholics disavowed, and putting forced constructions on others which they admitted, observed that when their allegations of their own doctrines and opinions were not allowed, it was right to put in their conduct in this country, where their rights were limited, and in others where they were not restricted, in order to show, that their allegations were borne out by their practice. For his own part, he would not suppose that the Catholic religion was so dark and hidden, so lost in the obscurity of past ages, as to be traced out only by the research of the diligent antiquarian. It was, he should imagine, well known; its present tenets of doctrine and discipline well defined and understood. Why, then, was it necessary to go for objections to the Catholic religion as it now existed, back to the tenets which might have been in operation centuries ago? Suppose some public lecturer on electricity or astronomy, for instance, were to say to his hearers—"You must not attend to the state of the atmosphere, or the appearance of the Heavens, but you must look to the principles adopted by the ancient founders of these lectures—go to the 'Philosophical Transactions,' vol. 1, and there you will find what you must take to be the true present state of the science." Would not such doc rine be most deservedly held up to contempt? would it not argue in the lecturer an utter ignorance of the present improved state of science. He contended, that it would be equally unjust to argue the question before their lordships, without reference to the actual state and opinions of the Catholics as they existed at the present day. The principle on which a true statesman should act, would be in all measures of importance to adapt himself to the altered condition of society. True philosophy, as Bacon said, was the art of interpreting nature. The business of a wise legislator should be to direct his measure so as to adapt them to the condition of men as they then existed, and not to that in which they might have been at a former period. Let their lordships look at what was the conduct of Catholics in the different states of Europe and in America, and see whether it bore out the allegation, that they were hostile to a free constitution, or were found to be disloyal subjects when in the service of Protestant princes.—The noble marquis then proceeded to contend, at considerable length, that the Catholics were found faithful subjects to Protestant princes; that this had been proved in every Protestant state in Europe; that their attachment to a free constitution was proved by the conduct of the Catholics in America, by their disposition to admit religious liberty, and by the readiness with which the state of Maryland, originally composed principally of Catholics, admitted the most tolerant regulations with respect to religious worship. The noble marquis concluded this part of his remarks with an appeal to the learned lord on the woolsack; in which he asked, whether, in the course of his official experience, he had ever known of any Catholic minister or general who had betrayed the secrets of a Protestant prince, or swerved in any manner from his allegiance or duty in consequence of his obedience to the Pope?—The noble marquis then went on to point out the manifest impolicy of paralyzing the energies of a large portion of the subjects of the empire, by political disabilities on the score of religion, and to show that those who wished to unite the exertions of every class in support of the general welfare of the state, were the true friends of that church establishment, which he admitted was so closely allied to it. He was, he added, fully aware of the sensitive fears of those who apprehended that the Protestant church would be endangered if Catholics were allowed a seat in the legislative bodies, where subjects connected with the welfare of that church might be decided. The conscientious opinions from which such feelings and alarms arose, he duly respected; but, he was convinced that the apprehensions were unfounded. He was the less inclined to be influenced by such alarms, when he considered what had already occurred with respect to cases in which similar fears were expressed. It was matter of history, that, when the union of Scotland with England was proposed, part of the plan, which was to introduce sixteen representative peers of that country to seats in the English House of Lords, was warmly opposed by some right reverend prelates of that day. They imagined that if sixteen Presbyterian lords were allowed to sit and vote on all subjects in that House, it might be attended with consequences the most dangerous to the church of England. One right reverend prelate in particular, in the warmth of his zeal for the security of the Protestant establishment, went so far as to predict, that the most imminent danger to the church would be the necessary consequence. He compared the introduction of sixteen Presbyterians into the upper House to the mixture of so many foreign ingredients in the cauldron, which would have the certain effect of making it boil over until it burst. Notwithstanding those grave predictions, the measure was carried into effect: the sixteen Presbyterian lords were admitted into parliament, and what happened? not that the cauldron had boiled over until it burst, but that no danger whatever had accrued to the church; and, on looking at the divisions which had since then taken place, it would appear, by a very curious coincidence, that these sixteen Presbyterians were generally found voting on the same side with the bishops who had been so much alarmed at their approach; nor did it appear that there was at the present time one single Presbyterian more than there was on the day the measure was carried. Another instance that he would quote was the circumstance of the repeal of the sacramental test in Ireland about a century ago. On that occasion, a man whose wit, talent, and intellect could not be doubted—he meant Dean Swift—had been so far led away by the prevailing opinion on that head, that he had ventured to prophecy, that if that test was once repealed in Ireland the religion of that country would be entirely changed, and the whole of the inhabitants would become Presbyterians. After some years had elapsed, the sacramental test was repealed—and, what was the effect produced by that repeal? Their lordships very well knew that there followed no attempt to introduce the Presbyterian religion; and they likewise knew, that the followers of that religion had not increased in number; but that the Catholics had augmented their proportion. He would only trouble their lordships with one instance more of this false spirit of prophecy. In the early part of his late majesty's reign, a bill was passed for the relief of his Catholic subjects living at Canada. The introduction of the measure caused a great clamour; and an eminent divine published his opinion in the same vein of happy prophecy to which he had already alluded. In that publication he had declared, that it must be the infallible effect of that measure to introduce the supremacy of the pope and the power of his bulls into Canada, to the great disturbance of his majesty's government, and to the final throwing off their allegiance altogether, so that the French court would be able, through the assistance of the Pope, to separate them from the other states of America. Let their lordships look at what really was the result. The intrigues of the French king were indeed employed to detach the States from the allegiance that they then owed to the sovereign of these realms; but, where was it that those intrigues had succeeded? It was the other States, professing the Presbyterian faith, who had yielded to those persuasions; while Popish Canada, about which there had been so much alarm, remained true and loyal to the dominion of king George 3rd. Yet now their lordships were to be told, that no trust could be put in the Roman Catholics. He wished to address himself in particular to those opposers of the measure, who, confounding the ends of government, which were always the same, with the means which always differed, and who upon that occasion thought that they were standing still, while, in fact, they were tottering beneath the influence of their prejudices; such opponents as these he would entreat to consider, that there never had existed a proposition more novel in its cause and in its effect than the one, that in England, the only place in the world, a vast portion of her inhabitants should be found deprived of the greatest of their rights on account of their religious tenets. The cause, however, was visibly advancing, and he was sure that every thing affecting the Catholic body could not fail, year after year, to introduce them to the House as more and more powerful petitioners, so that their lordships would at length be absolutely forced into the deliberation of the real question, which was—whether parliament would choose to return to the old system of governing the Roman Catholics by coercion, or whether it would complete that system of conciliation which had already been so fortunately undertaken? That system had in part been tried, and had in part flourished in proportion; and he would assert, though it was in opposition to the declaration which had fallen from the reverend prelate who had just spoken, that the people of Ireland were essentially improved in their moral and religious education, and that conciliation already had produced the happiest and most beneficial effects. It now remained for the church of England to assist in making these concessions which the Catholics claimed; and he thought that it would be more becoming the state of the church of England to be a little more confident in her own strength, and that it would be well to consider, whether, in giving privileges and in ceding rights to another religion, they were in any way diminishing the privileges, or taking away from the rights of the religion of the state; or, whether it would not probably be the means of gaining for that church new friends, open to feelings of high respect, and to that admiration which it was a part of his pride to believe other religions entertained for the church of England. It had been said by some noble lords, that the Irish people could not be expected to enter into the feelings of Englishmen, and it was therefore necessary to exclude them from the situations that Englishmen were allowed to hold. He would conclude what he had to say by reading the opinion of some of the greatest men that England had ever produced. The persons whose opinions he was about to give were, lord Somers, lord Peterborough, the bishop of Salisbury, and the duke of Devonshire of a former day. Those great and accomplished persons had laid it down as their opinion, that an Englishman could not be reduced to a more unhappy condition than that of being put by the law in an incapacity of serving his king and country; and therefore nothing but a crime of the most detestable nature ought to put him in such a situation. In giving his support to the present measure, he wished to be most thoroughly understood, that he was not conniving at any other measure that had been passed during the present session, but that his support was given to it on its own merits. He did not, he would confess, look at it as a sovereign panacea for all the evils of Ireland; but he regarded it with a favourable eye, for he thought that it would lead to other steps as important, and as likely to be the means of promoting conciliation between the Catholics and Protestants, and at the same time of uniting all the subjects of his majesty, of whatever denomination they might be. Such being his firm persuasion, he should support the bill in all its bearings; being convinced, that the rights of citizens ought not to be withheld from men on the ground of difference of religious persuasion.

The Earl of *Liverpool* said, that, late as the hour was, he could not suffer the speech of the noble marquis who had just sat down, to pass without troubling the House, and he feared at some length, with some observations in reply to it. He was ready, for himself, at once to meet the question as a question of expediency —to look fairly at the advantages which were expected from it, and at the evils to which it might give rise. But, he could not do this without first calling the attention of their lordships to the situation in which the House stood with respect to the question—a situation which, in his judgment, was equally novel and inconvenient. In consequence of events in Ireland which had transpired prior to the assembling of parliament, parliament had found it necessary to pass an act putting down the body called the Catholic Association, and also to institute an inquiry, by both branches of the legislature, into the state of the sister kingdom generally. Now, even if he had been favourable to the concession of the Catholic claims, he should certainly, under such circumstances, have thought it right to await the result of the inquiry so instituted, and at all events to legislate only upon a full investigation of the subject. No such course, however, it seemed, was to be adopted by the promoters of the present measure. The bill was brought in without one moment waiting for intelligence; nor was it the mere bill before the House that was to be brought forward; but two others were devised, got up with equal haste and equal want of consideration; some of the provisions of which might go, perhaps, to alleviate the evils belonging to the main measure, but others there were, which seemed no less likely to increase it. Why, then, it was not one measure of change that was proposed, but three; and where were they—on what was each to depend—and what was their connexion? This course might answer the purpose of the advocates of the Catholics; it might serve—as it was meant to do—to catch a few stray votes on the right or the left; but, in what sort of situation was the House of Lords, he asked, placed by such a proceeding? He desired to know what it was expected the House of Lords should do. The House of Commons had put them in this condition—it had sent them up a bill which they knew not how to act by; having purchased a majority for that bill, by the introduction of other measures. He did protest again, that he had never known any public body placed in so disgraceful a situation as the Lords were by this conduct of the other House. Surely, at least, they ought to know what it was they had to decide upon—whether it was the measure submitted to them alone, or that measure as joined and connected with two others? For himself, as far as his opinion went, perhaps this question, however, was one of slight consideration; for he detested, from the very bottom of his heart, the bill already in the House. A great part of it he took to be nonsense; some of it was even still worse. The least objectionable part of the bill, as he thought, was the concessions which it proposed making to the Catholics; for upon that subject he would be content to put one short question to the House—would they relieve the Catholic from the disabilities under which he laboured, or would they not?—and if they replied in the affirmative, then he would engage to draw up a bill for the purpose in half an hour, which should not be liable to a tenth part of the objections which applied to that now upon the table. In short, the simple question as to the great measure seemed to him to be—would the House, or would it not, remove the Catholic disabilities? And that question—perhaps one of the most important that parliament had ever been called upon to decide—could not too soon be treated in such a manner as to place it on a firm and solid basis. The noble lords opposite maintained, that it was fitting to grant the concessions demanded; because the Catholics of this country and Ireland ought, and were entitled, to enjoy equal civil rights and immunities at all points with their Protestant brethren. Now, this was the plain proposition of the advocates for emancipation; and he would deal plainly with it. He met it with a decided negative. He said, that the Catholics were not entitled to equal rights in a Protestant country, and that opinion he would sustain. Upon some points he had been favourable to the Catholics; he did not know but there were others upon which he might still be so: but, upon that broad principle—that they were entitled to equal rights with their Protestant fellow-subjects—he and their friends were at direct issue. He admitted—no man could dream of denying it—that all subjects in a free state were entitled to the enjoyment of equal rights upon equal conditions; but, then the qualification of that principle in the case of the Catholics was clear—the Catholics, who demanded these equal rights, did not afford equal conditions. The difference was this—it was stated in a moment—the Protestant gave an entire allegiance to his sovereign; the Catholic a divided one. The service of the former was complete; that of the latter only qualified; and, unless it could be proved to him, that the man who worked for half a day, was entitled to as much wages as the man who worked the whole day, or, in other words, that the half was equal to the whole, he could not admit that the Roman Catholic, whose allegiance was divided between a spiritual and a temporal master, was entitled to the enjoyment of the same civil rights and privileges as the Protestant, whose allegiance was undivided, and who acknowledged but one ruler.

Thus much he had thought it necessary to premise, before he went into the question of expediency; because, great as might be the arguments drawn from expediency, it was necessary in the first instance, to found those arguments upon the solid and immutable principles of justice; and although he had attended the discussion of this subject for twenty years, he thought it could be placed upon no other intelligible footing. He should not now enter into any theological discussions. We had nothing now to do with the dogmas of the Roman Catholic church, with the doctrine of transubstantiation, or the invocation of saints. He should, therefore, confine himself to the power which, notwithstanding all that had been said upon the subject, he maintained the Pope still held over the great body of the Roman Catholics. He knew that it had been the policy of the advocates of the Catholics to maintain that this power was extinct; but he needed only to refer to the evidence before their lordships—evidence which must strike with surprise every man who was not acquainted with it—to prove the extraordinary influence which was even at that day exercised by the Pope of Rome. It was, my lords, incontestibly proved, by the evidence of Dr. Doyle, Dr. Ryan, and other dignitaries of the Roman Catholic church, that the presentation to vacant sees in the Roman Catholic church in Ireland was vested in the Pope at that moment—that he exercised an absolute and uncontrolled power of appointing whom he pleased to vacant bishopricks. He might, perhaps (the evidence stated), yield occasionally to the recommendation of others, but the strict right of nomination he reserved to himself. That he had occasionally yielded to the representation of others had been fully proved by the evidence of Dr. Doyle, who had stated before their lordships' committee, that James the Second, his son, and grandson, had, for a succession of years, recommended to the vacant Irish bishopricks, and that the Pope had invariably attended to their recommendations. If, therefore, the king of France, or the king of Spain, or any of the members of that bugbear of the noble lords opposite, the Holy Alliance, were now to recommend to the Pope, who could say that he would not listen to their recommendation? Would any one then say, that a people so circumstanced were entitled to a community of civil rights and privileges with the Protestants? He knew it had been said, that the progress of education, and the march of civilization, had wrought wonders amongst the Catholics; and, looking to the present aspect of the times, it might, perhaps, appear to superficial observers, that little danger was to be apprehended. But he would remind their lordships, that the horizon was often the clearest and most serene when the tempest was nearest. And here he would appeal to history, and ask their lordships, at what period did the established church appear to be in a more flourishing condition than at the Restoration of Charles 2nd? And yet in twenty years afterwards it was, that the greatest revolution took place in the condition of that church, and it was next to a miracle that, by the machinations of a popish prince, it was not overwhelmed in one common ruin with the state and constitution of this country. This, then, was a subject which ought not to be passed over. It was not to the Pope, as Pope, that he objected; it was to the principle of the existence of such a power as that in the Pope. It was to the doctrines and dogmas of the Roman Catholic church that he objected. His objections were not to the doctrine of transubstantiation or purgatory, but to the power, the temporal, the practical power of its priesthood over all the relations of private life.

The noble marquis had stated, that the conduct of the Roman Catholic clergy had nothing to do with the practical discussion of this question. He could not agree with the noble marquis in that opinion; as he thought that the conduct of the Roman Catholic clergy mainly influenced that of the Roman Catholic body; and this necessarily arose from the nature of the relations existing between them. With respect to the duty of confession, for example—it had been asserted by some noble lords, that we Protestants also recognised the duty of confession. He admitted that we did, but mark the difference between the Roman Catholic and the Protestant. We did not require the performance of it as an indispensable duty. We did not even invite, much less require its performance; and, although we believed that absolution, or forgiveness of sins was the result of sincere repentance and reformation of life, we did not, as the Roman Catholics did, insist upon an annual confession, nor maintain that what was called the absolution of the priest, amounted to a sort of white-washing of the sinner [hear]. He had not, however, done with the evils of this system of confession, as practised by the Roman Catholic. And here he must again request their lordships' attention to the evidence given before their committee. From parts of that evidence it appeared that if the person who confessed were to disclose the commission of the most enormous crime, the priest was bound to secrecy [hear]. Neither was this bond of secrecy confined to crimes which had been committed; it extended to those which were intended to be committed, and not only by the person who made the confession, but by any of his acquaintances. So that if the priest were to become cognizant of the most atrocious conspiracy—of one, for example, to blow up both Houses of parliament—and here he was putting no imaginary case—it would not be in his power to disclose the secret. He would go further and say, that if the priest were to meet a person at a place where two roads met, and if, under the seal of confession, he had been informed that a murderer was waiting for that person at some distance on the right, he would not be justified in saying to him, "Go to the left, and you will escape the fate which is preparing for you." What description of religion, then, was this, whose professors we were called on to invest with civil rights? Was it too much to say, that they were under the exclusive dominion of their priests?

He next came to the question of education. And here he had no hesitation in saying, that he saw insurmountable difficulties in case this measure was passed—difficulties which applied to no other class of Dissenters; and the reason was obvious. In the case of other Dissenters, they all acknowledged one common foundation for instruction—the Bible; but, from the indiscriminate use of this sacred book, the Roman Catholic was debarred by his priest. —He came next to a subject of great importance, as connected with the influence of the priests and the difficulty of reconciling the two religions. He alluded to the subject of marriage. The Roman Catholic priest disallowed the validity of marriages which had been contracted within certain degrees of kindred which were not recognised by his church, although they were by the law of the land. Thus, the priest and the law were at issue: for, while the one acknowledged the validity of the contract, the other told those by whom it was entered into, that they were living in a state of sin. There were other instances of interference upon this subject, to which he thought it necessary now to advert. He had himself known instances in which the Roman Catholic priest had refused to marry a Roman Catholic gentleman to a Protestant lady, unless he engaged that all his children should be educated as Catholics. He had been desirous to know whether this was the case in Ireland, as well as in this country, and the evidence of Dr. Murray had satisfied him that it was so. How, then, he asked, could the professors of such opposite systems of faith and practice be ever united and knit together in the bonds of social harmony? And, if they could not be so united and knit together, whose fault was it? It was not the fault of the laws—it was not the fault of the Protestants—it was not the fault of England—[hear].—It was owing to themselves, and to the bigotted and intolerant conduct of their clergy; the natural effect of which was, to create disunion and perpetuate distrust [hear, hear].

He repeated, that it was his wish to look at the question not theologically, but as one of convenience; but, a part of that very question of convenience must depend upon the degree of influence exercised by the Catholic priesthood, and on the species of influence which the tenets of the Catholic faith put into their hands. Now, with respect to another part of their church discipline, he meant excommunication, what a fearful engine was this in the hands of the priest. He knew he should be told that it was frequently evaded. He granted that it was, but the very severity of the punishment was that which prevented its execution; at least, in instances where the priest had not the unanimous voice of his congregation with him. But, suppose the congregation were unanimous, and the priest bent upon the punishment of some obnoxious delinquent! He did not say this from any wish to impute unworthy motives to the Catholic priesthood generally, or from any supposition that there was in that body any disposition to the abuse of their power—he said, however, that in the hands of the political priest, there could be no more fearful or dangerous engine than this power of excommunication, with all its train of horrors. Was not this proved by the power which it was upon all hands acknowledged that the priest possessed? Did not Protestants and Roman Catholics, however differing on other matters, unite in this, that in the various counties in Ireland, the power of the landlord was nothing to that which the priest possessed in cases of contested elections, and upon other important occasions, when he wished to make his political influence available.

His peculiar objection to the Roman Catholic religion was, that it penetrated into every domestic scene, and inculcated a system of tyrany never before known. Now, what were the evils which they had to apprehend? He might in fairness require the supporters of this measure to prove, before they allowed this alteration, that there would be no evil attending it. He would not ask so much from them. He only required them to show him the benefit of conceding. If all the evils which he had pointed out were really to be expected, then the advantages promised by the noble lord were out of the question. He held—their lordships held—the bill held—that a Protestant succession was the foundation of our constitutional system. He would say, that if this measure should pass, the Protestant succession would not be worth a farthing. Much had been said of rights—indefeasible and natural rights. The state was Protestant essentially, the Crown was to be Protestant, and the successors to the throne must take to the same faith. But, were they to be the only persons so limited? He would speak of a king's rights here in the same sense, and no other, as that in which he would argue the rights of a peasant. Was it not hard upon the king and the heir to the throne, that they must be bound to the Protestant faith, while the chief justice, the ministers, and the secretaries of state, might be Roman Catholics? Why was this? Where was the danger in having a popish king or a popish chancellor; if all the other executive offices might acknowledge the Pope? He thought there was less danger in a popish chancellor, who might be removed at pleasure, than in a popish chief justice, who would hold the administration of the criminal law in his control, and could only be removed by a peculiar process of law in case of his dereliction.

It was said that the privy council might be increased by the admission of Roman Catholics, and that it was unjust and cruel to exclude Catholics from such an appointment of trust and honour; in short, that a Catholic might be prime minister, and have the whole patronage of the church and state at his disposal. As long, however, as the system of the constitution was Protestant, it was essential to maintain a Protestant throne, and a Protestant administration of the public affairs. The House ought at once to meet this bill fully and unequivocally, and not to deceive the people. They ought at once to declare, that if the bill were to pass, Great Britain would be no longer a Protestant state. The evil he apprehended from the passing of such a bill would not be immediate; but it would be inevitable, and would come upon the country in a manner little expected. It was not the immediate object of the Catholics to possess themselves of the property of the established church. They were too wary to proceed openly and directly in any such design. No: their object was, in the first instance, merely to diminish the property of the church. What was the language held by one of their great authorities, Dr. Doyle, upon this very point? That he did wish to decrease the magnitude of the possessions of the church; but he wished it, not as a priest, but as an Irishman. Was any man so blind—was any man so deaf—was any man so lost to all the benefits of experience, as not to know what such language really meant? Was any man so thoroughly ignorant of the course of human actions, as not to know, that when once the property of the church was violated under any such a pretence, it would soon be seized upon, and that such was the real object of Catholic cupidity? The most insidious way in which the Catholics could possibly set about their work was to say, "Take the property of the established church, and give it to the public for the general benefit of the country." For when once the property of the Protestant hierarchy was invaded and impaired by such an artful attack, it required but little wisdom to foretel what would befal the remainder of its rights and possessions. The grand maxim of the Catholics was, "If one church sinks, the other must swim; destroy or depress the Protestant establishment, and that of the Catholics would flourish." There was nothing inconsistent in the evidence before the House; for the Catholics thought, that if they could destroy the church by what they called legislative means, it was no destruction in the sense of their professions. To destroy that church was, in fact, their grand object. It was their duty, their religion, their oath, their every thing, to effect its downfal. Circumstances might or might not favour their designs; but, if the object was effected, what did it signify whether the mischief were produced by open attacks, or by the more insidious method of impairing the church property? Noble lords seemed to view this measure solely as a means of communicating to the Catholics all the enjoyments of government patronage and employments, and of knitting together all his majesty's faithful subjects into one nation, to the utter oblivion of all former dissentions and discord: but he had already shown that the difficulty of obtaining any such object arose out of the very spirit of their church. Noble lords really appeared to think, that by education, and by removing the disabilities which were laid on the Catholics, all dissentions between the two churches would cease: but, the question was, whether the effect of this bill would not be to increase those dissentions? The bill would leave the two contending parties where they now were; but, by giving new powers to the Roman Catholics, or at least new capabilities of enjoying power, it would bring them more into contact with their Protestant fellow subjects, place them on a nearer footing of equality, and by thus exciting desires which could not perhaps be gratified, fresh occasions would arise of dissention and dissatisfaction. If it were possible to unite the Catholics and Protestants in one friendly mass, by any common system of education, he should applaud the effort to obtain so desirable a result; but, separated as they now were, and actuated by the spirit by which it was well known that so many on both sides were actuated, such a project was absolutely impossible. The very hope was visionary; and those who had the object at heart, and had introduced the present measure as a means of effecting that object, would find themselves entirely disappointed, and most egregiously deceived, if they were to carry it into a law.

What, then, was the good which could result from this bill? Would it tranquillize, or would it tend to tranquillize Ireland? He was sorry that so much delusion existed throughout the country upon a point so important. Great mistakes had arisen from the belief entertained by many members of both Houses, that because Ireland had been in a very disturbed state, and because very objectionable measures had been resorted to for keeping that country in peace, that therefore all the disturbances had grown out of the Catholic disqualifications. It had been, therefore, the general, or at least a very common, impression, that, if the disabilities were removed, the foundations of peace would be at once established. But it was a proposition of the clearest demonstration, that the disturbed state of Ireland for the last twenty years, had nothing whatever to do with the Catholic question. This point was most satisfactorily proved by the evidence lying on their lordships' table. For the space of twenty five years the Insurrection act had never been once put in force in any part of the province of Ulster; and yet that province was the great seat of religious animosities, and of religious violence, the two parties being there so nearly upon an equality. The insurrection act, on the contrary, had been carried into effect in the south of Ireland, where no religious dissentions whatever had existed, or, at least, to the extent of disturbing the public peace. Absenteeship, combined with the great subdivision of property, had occasioned an increase of population to a most enormous extent; this had brought the country into a state of beggary, and hence had sprung all the disorders of the state. This great evil, he was happy to say, was now correcting itself. Dr. Doyle states in his letters, that the population of Ireland was now positively decreasing. He perfectly agreed with the right reverend prelate who spoke in the course of the debate, that, whether the Catholics amounted to one, two, or three millions, made no difference, or ought to make no difference, in the decision of this question. It was a great question that ought not to be decided otherwise than upon general principles, and upon extended views. But, with respect to the number of Catholic subjects, the greatest exaggeration had, he was convinced, been resorted to. A noble duke had that night stated the Catholics of Ireland to outnumber the Protestants in the proportion of at least five to one. This, he had good reason for believing, was an exaggeration. At the very utmost, he did not believe they were more than in the proportion of three to one; and the returns proved, that they were as nearly as possible in the same ratio to each other as in the time of sir William Petty, with a corresponding increase in both.

Their lordships were told upon all occasions when this question was debated, that the Catholic subjects of foreign states enjoyed many advantages which were not enjoyed by the Catholic subjects of the English Crown. He begged their lordships to consider, that there were circumstances in the English constitution, growing out of the very advantages of that constitution, which might make restrictions upon the Catholics more necessary than in absolute monarchies. Noble lords opposite argued, as if the Roman Catholics in this country were deprived of all share in the advantages of our free constitution. But, even after excluding them from all which this bill asked, they would still enjoy more civil and political liberty than the Protestants residing in any Catholic state in Europe. When the elective franchise was granted to the Roman Catholics, it was hailed as a great boon. Was it not most curious then, that those very persons who talked so much of natural rights, and of their great importance to the subject, were prepared by this measure, which at the utmost could affect only thirty or forty persons, to sacrifice the rights of five hundred thousand electors? Whatever might be the case in other nations, or in a country circumstanced like Maryland, all he would say was, that it was not in the constitution of this country to admit Catholics to those situations to which the bill would render them eligible. There was, therefore, no parity of argument between the two countries. The religious freedom desirable and proper in the one, might be far from desirable or proper in the other.

There was one very material point upon which he must offer a few observations. In the House of Commons, a resolution had been come to, on the 29th of April, "That it is expedient that provision should be made by law for the maintenance of the secular clergy of the Roman Catholic religion in Ireland;" not, be it observed, in the way of a regium donum, but a provision by law. Now, what was this but to establish, to all intents and purposes, the Roman Catholic hierarchy in its full pride and power? This was going at once to the very object of Catholic triumph. Why, those who had been the most alarmed, and had thought that such a state of things would grow out of the present bill, had never imagined that it would have been done so openly. Was such a measure constitutional? Was it consistent with the rights and privileges of Protestants? He could not consider the coronation oath as any obstacle to the removal of the civil and political disabilities of the Catholics. The oath was an oath to protect the established church and clergy of the realm. The removal of the disabilities might possibly affect that church, but it could only do so consequentially. Many wise and good men were of opinion, that it would strengthen the church; and if parliament presented a bill to the king for his acceptance, grounded upon this assumption, he did not see how the king could be advised to consider it as at variance with the obligations of the oath which he had taken. But, the question, as to the establishment of the Catholic religion by law, was of a very different nature. The Catholic church in Ireland professes to be a national, and not a missionary church. The bishoprics and parishes were the same, or nearly so, as the bishoprics and parishes of the established church. The Catholic bishops claim a parity of spiritual jurisdiction with the bishops of the establishment. Their parish priests claim a parity of spiritual rights and duties with the parochial clergy of the establishment. It was for parliament, therefore, seriously to consider, whether the king could consent to establish by law such a church as that now claiming to exist in Ireland, under the designation of the Irish Roman Catholic church, consistently with the obligation—"to preserve unto the bishops and clergy of this realm, and to the churches committed to their charge, all such rights and privileges as by law do, or shall appertain unto them, or any of them."

He had argued the question upon a narrow principle, in order to convince their lordships, that the present bill was totally incompatible with the first principles of the constitution; that it would produce the most serious evils throughout the country; and that it would fail to achieve any of those objects which its promoters flattered themselves it would produce. Neither could he bring himself to view it as a measure of peace and conciliation. Whatever it might do in this respect in the first instance, he was persuaded that its natural tendency would be to increase dissentions, and to create discord, even where discord did not previously exist. He intreated their lordships to consider the aspect of the times in which they lived. It was their fate to hear doctrines openly promulgated, which were as novel as they were mischievous. The people were now taught in publications to consider queen Mary as having been a wise and virtuous queen, and that the world had gained nothing whatever by the Reformation. Nay, more than this—it was now promulgated, that James 2nd was a wise and virtuous prince; and that he fell in the glorious cause of religious toleration. Could the House be aware of these facts, and not see that a great and powerful engine was at work to effect the object of re-establishing the Catholic religion throughout these kingdoms? And, if once established, should we not revert to a state of ignorance, with all its barbarous and direful consequences? Let the House consider what had been the result of those laws—what had been the effects of that fundamental principle of the British constitution—which they were now called upon to alter with such an unsparing hand. For the last hundred and thirty years, the country had enjoyed a state of religious peace, a blessing that had arisen out of the wisdom of our laws. But, what had been the state of the country for the hundred and thirty years immediately preceding that period? England had been in a state of the most sanguinary religious contentions. The blessings of the latter period were to be attributed solely to the nature of those laws, which granted toleration to all religious creeds, at the same time that they maintained a just, a reasonable, and a moderate superiority in favour of the established church. Their lordships were now called upon to put Protestants and Catholics on the same footing; and if they consented to do this, certain he was, that the consequence would be religious dissention, and not religious peace. The present system had the experience of its good results to recommend it; and he preferred it, therefore, to the experiment proposed in the present bill, or to any other that he had yet heard suggested [loud cheers].

The Earl of *Harrowby* began by saying, that he did not rise at so late an hour, in order to enter into a full discussion of a subject so frequently debated, or to repeat arguments which had so often been better brought forward, but because it was impossible for him to give a silent vote upon this question, after the speech of his noble friend and colleague. Continuing to differ from him as widely as ever, more widely indeed, than he thought they had differed, he owed it both to him and to himself, however painful to his feelings, to express the ground for the continuance of that difference, and to attempt at least to reply to his arguments, not because they had made any impression upon his own mind, but lest, however inconclusive and foreign to the question they might appear to him, they should make any impression upon the minds of others.

He had rejoiced to hear from the right rev. prelate, who spoke early in the debate, that he disclaimed all intention of arguing this question upon a religious basis. What, then, was his disappointment to find that many of that right rev. prelate's arguments, and still more those of his noble friend, rested entirely upon those tenets, which the Roman Catholics considered as an essential part of their religion? The main objection of both those noble lords was the divided allegiance of the Roman Catholics. Now he, for one, had not only admitted, but contended, that the allegiance of no dissenter whatever could be so complete and cordial as that of a member of our own church, who was equally attached to the altar and the throne—but though not equal, it was proved, both by argument and experience, that it was amply sufficient to qualify them for the full enjoyment of all civil and political rights.—If the argument proved anything, it proved too much; for it proved that no Roman Catholic could be a loyal subject, even of a Roman Catholic prince. His allegiance was equally divided, whatever be the religion of his sovereign. But the whole history of Europe would prove that, for centuries, the Roman Catholics had not acted upon such principles. What was the instance in modern history of the Pope having attempted to avail himself of this power?

He would not go back to all the ancient creeds, and the declarations of ancient Councils, of which so much had been said on former occasions and so little on the present evening. He was as little disposed to deny as to defend them. It had been said, however, that the doctrines professed in those creeds, and promulgated by those councils, had never been distinctly disclaimed by the same authority. True, they never had, and probably never would: if the legislature were to wait, and postpone their efforts to tranquillize Ireland till the publication of such a disclaimer, they might wait to all eternity. It always has been and always must be the policy of Rome not to fly directly in the face of its own infallibility: although it will not directly abjure any power which it has once claimed, it prudently refrains from its exercise, because it knows it would not be obeyed. But, if the legislature takes into its account, what in a practical view is far more important, the many circumstances which have taken place, operating as so many disclaimers of those doctrines, they would feel, that the obstacle which they opposed to the claims of the Roman Catholics, if not altogether removed, had been greatly diminished. Was it nothing that the most obnoxious of those doctrines had been disclaimed by the highest authorities in point of learning and character in their communion? Was the declaration of the Church of Rome in 1802, with Bossuet at their head, nothing? Was it nothing, that when questions respecting those doctrines were put to all the chief universities of Europe by Mr. Pitt, thirty years ago, they expressed their surprise and indignation at the imputation involved in the supposition that they could really believe them? Was it nothing that, in the face of the public, all the leaders of the Roman Catholic church in Ireland had abhorrently disclaimed such tenets? No instance could be produced in modern history in which the conduct of Roman Catholics had afforded the slightest ground for distrusting the sincerity of this disclaimer. Why, then, recur to opinions formed in the darkest ages, and consigned to oblivion by those whose actions they are supposed to regulate; and shut your eyes to the uniform evidence of their practice? When you have proved to your own satisfaction, that they ought to be rebels, according to their own doctrines, and that they cannot be good subjects unless they are bad logicians; surely this is a luctuosa victoria!

His noble friend had proceeded to state other Roman Catholic doctrines, from which he attempted to prove, that they could not be good subjects in a Protestant state. Here again, too much, if any thing, was proved, as they operated equally, if at all, to prove that they could not be good subjects in any state. Amongst these was the doctrine of the secresy of confession. Pushed to the extent to which it was carried, he had felt as much shocked as his noble friend at the monstrous consequences of such a doctrine. But, in what way did it affect the security of the state? In the first place, confession was an acknowledgment of sins committed by the penitent: it could rarely happen that he would confess an intended sin of his own; still less the intended sin of another. The case could not be of frequent occurrence. His noble friend, however, ascribed danger to the secresy imposed upon the priest. But this secresy, although it might render the priest guilty of misprision of a crime, made no difference as to the security of the state. The laity now confessed to their priests, because their priests were not at liberty to reveal their confessions. If the priests were at liberty to reveal their confessions, the laity would no longer confess. But, did this make any difference as to the probable existence or discovery of treason, or of any other crime? It amounted only to this—that the government does not possess, through the means of confession to the priest, an additional security for the loyalty and innocence of the Roman Catholic, which it has not and cannot have for that of the Protestant,

The opposition of the Church of Rome to the circulation of the Bible without note or comment is also brought forward as a charge; and, it seems, as one of the grounds upon which the laity are to be excluded from an equality of political rights. He disapproved, as much as his noble friend, of this opposition. But surely it should be remembered, that this was the opinion of no small portion of our own church, and that if it were to be held as such a detraction from their civil worth as to exclude them from political trust, this House would lose the advantage of the assistance of some of those who now adorned it. An erroneous doctrine it appeared to him to be—but, was it to be held, that because the Roman Catholic church maintained such a doctrine, it was not fitting that its lay professors should enjoy equal privileges with their Protestant fellow subjects, many of whom, even in the highest stations in the church, more or less agreed with them? After all, be the opinion false or true, what connexion could it possibly have with their allegiance or loyalty?

It was the same with respect to their doctrines as to marriage, and other sacraments of their church. There are marriages which we allow, and which they disallow. They cannot prevent these marriages from having their legal effect; but, as they consider them as unlawful, they may endeavour to disquiet the consciences of the parties. What was this to the state? What had it to do with the question? They may disturb the peace of domestic life now; so they might, and no more, if all their claims were granted. He was quite at a loss to conceive what there could be in any of these doctrines so menacing to the safety of the country, as to justify us in incurring dangers so much more menacing, by refusing to those who entertained them a full participation in the British constitution. If they were of a nature to warrant us in excluding them from further privileges, why had they not operated to prevent them from attaining those which they now enjoyed? Besides, what class of the community might be supposed to be most attached to the most objectionable doctrines and superstitions of the Romish church? the peasantry. Who were most under the influence of the priests, by whom these doctrines were said to be preached? the peasantry. Who next? The class immediately above them. To these classes every privilege had been granted. The class above them attached still less to these objectionable tenets; and that class was most free from them which moved in the highest rank of all. Were we then proceeding wisely, or rationally, or safely, in granting every privilege to the classes most subject to the influence which we feared, while we withheld them from that part of the Roman Catholic body which was most disposed to resist it? If, therefore, the arguments were worth any thing, the legislature had gone too far already; and, what was worse, it had begun at the wrong end. It granted extensive civil power to men who might be biassed by their clergy, if they were so disposed, to use it for civil purposes—it denied it to the higher and more enlightened classes, who, by mixing with their fellow subjects in all the functions of the state, must soon lose, if they ever had it, all inclination to disturb a power, of which they would themselves be partakers.

But, do we really believe that Roman Catholics would abuse this power? Do we really believe that their spiritual allegiance to the Pope would clash with their temporal allegiance to the king? If so, what insanity prompted the law, by which they are admitted to the highest ranks in the army and navy! If any danger were really to be apprehended, surely there it would be to be found.

His noble friend had also adverted to the influence of the Pope, which was undoubtedly greater in the nomination of Bishops in Ireland, than in any other country in Europe. But, did not the Pope exercise that influence now? If dangerous, was it not dangerous at present? This was an evil which, by an injudicious course, we might increase, but which we could not diminish by a continuance of disabilities. We cannot prevent the Roman Catholic from adhering to the doctrines and discipline of his church, and cherishing those feelings which he has been taught from his youth to prize. We cannot loose the bonds of spiritual obedience to the Pope. What then can we do? We can draw more closely the ties of political obedience to the state. Here are strong links, which bind men on one side—we cannot break them—we must, then, strengthen our links on the other, by kindness and conciliation, by every thing which can bind man to man, and the citizen to his country. What had been already done had not, it was true, acted as a panacea—That what was proposed to be done might not so act, he was willing to admit. Ireland was a country distracted by too many evils, to be cured by a single remedy. But, though he was not prepared to say, that the proposed measure alone would tranquillize Ireland, he was fully convinced, that Ireland would never be tranquil without it. Without it, all the benefits you may confer will fall upon a barren, and, perhaps, ungrateful soil. With it, they will fall upon good land, kindly prepared, and will produce an abundant harvest.

His lordship next complained, that neither in this or in any former debate had any distinct statement been made of the quarter from whence danger was to arise, or of the manner in which it was to operate. It was not pretended, that the introduction of a few Roman Catholic peers into this House could overturn the constitution: but, in the other House it was said, that danger might arise, and that, in critical moments, a body of Roman Catholics might contrive to purchase, by the support of a minister, some further concessions in their favour. Such a combination would most certainly defeat its own object; and a minister who should attempt to sustain his tottering power by such a prop would only accelerate his fall. As the law now stands, Protestant members in great numbers are elected by Roman Catholics. They would go as far, perhaps further, in the furtherance of their objects, than members who were themselves of that religion. Such members being less suspected by their constituents, would, in fact, be more independent of them, and could venture with less danger to their seats, to oppose their wishes. Besides, a combination of Protestants, brought in upon a Roman Catholic interest, was less open to observation, and therefore more dangerous, than a combination of Roman Catholics, which would immediately excite the most powerful re-action.

One argument of his noble friend he must notice, though somewhat out of its place, for fear he should omit it. His noble friend had said, that if the present bill were passed, we must repeal the law which limits the succession to the Crown to a Protestant; for that if it were unjust to say to a Roman Catholic, that he should not be lord chief justice, it would be still more unjust to say to the king of the country, that he should not be a Catholic—and that it would be the height of injustice to impose restrictions and penalties upon the sovereign, which did not attach upon any one of his subjects. If this be unjust, it is an injustice of which we are guilty at this moment. The king cannot marry a Roman Catholic without losing his crown. All his subjects are at perfect liberty in this respect. By the act of settlement, the king must be in communion with the church of England. This is what the law, under the operation of the annual act of indemnity, requires from no other person in his dominions. In truth, there was no injustice now, there would be no injustice then. You would take off the restrictions upon other offices, because, neither political expediency, nor the safety of the church and state require them. You would preserve them, as they respect the Crown, because they are so required.

But, suppose it to be proved that there can be no danger to the state from the admission of Roman Catholics to an equality of civil rights, still there might be danger to the church. It was unnecessary for him to make any profession of his attachment to it—but, thus much he would say, that if there were any rational ground for this apprehension, any "metus, qui in fortem et constantem virum cadere debet," he would encounter all the inconveniences to be feared from the rejection of this measure. But from whence was this danger to proceed, or how was it to be increased by its adoption? From the exertion of physical force to subvert the church? That force was in existence now, as it would be then. The inclination to use it hostilely might, indeed, be diminished by benefits; but it was preposterous to suppose that it could be augmented. From the bulls of the Pope, putting that force into action?

That the Pope might do now. The question was, in which case they would most readily be obeyed, if indeed any man could possibly believe they would be issued or obeyed in either. From legislative measures? There would be six or eight Roman Catholic peers in that House—and what minister would dare to advise a material increase of their number? In the other House of parliament, he heard from some quarters, that there might possibly be only three; from others, fifteen or sixteen; but let us suppose, beyond all probability, that there might be fifty Roman Catholic members—What could they effect? What had the forty-five Presbyterian members ever attempted? The apprehension was only of a remote, unknown, undefined, contingent danger.—Could that be said of the danger which might arise from the rejection of this measure? To attack the church and its property in Ireland would be to attack the church and its property in England; and with it, to attack a large portion of the property of the land-holders in both countries. It would be to attack that which, in this country at least, has a firm hold on the affection of the people, and in that was daily growing in their esteem. Such an enterprise could never be undertaken with any rational hope of success. If the mere suspicion of distant and possible danger has excited, as we see, such numerous, and as we are told, such unexcited petitions, what would they be, if these suspicions were converted into certainty by the actual proposal of any measure hostile to the church?

But supposing, for the sake of argument, that dangers may arise, we need only look to our own history for the means of averting them. Recollect the circumstances of the latter years of Charles 2nd. A concealed papist on the throne, backed by the purse of Louis 14th, by whom he was then suspected, and has been since known, to have been bribed. A professed and bigotted papist next in succession. Yet, under all these appalling circumstances, our ancestors guarded the Protestant church from the dangers by which it was then constantly menaced. Why should we distrust ourselves? why should we distrust our posterity? why should we doubt their inclination or their power to guard against similar perils, if ever, contrary to all human probability, they should again present themselves. Our task would be comparatively easy. If Roman Catholics were found dangerous in office, no new measure of doubtful expediency and complicated detail need be proposed. Their expulsion would be at once accomplished by the simple rejection, or non-proposition of the annual act of indemnity; a measure which would not even require the concurrence of both Houses, but might be carried separately by either.

His noble friend had said, that this measure, if passed, would not allay, but create disturbances in Ireland. Now, creation implied giving existence to that which had none before. Was this true of disturbances in Ireland? Did the history of centuries present any thing but a succession of disturbances? But, how was it to create disturbances, and of what nature? Would it be at contests for elections? Must not, was not, that the case now? Was not the Roman Catholics at least as anxious and as earnest to secure the election of a Protestant member who would vote in their support, as they could be for the election of a Roman Catholic? Perhaps even more so, as now they had a claim to enforce, which would then have been conceded. We had been told that the people of Ireland, generally speaking, had no interest in this question; and that they either cared not for it, or misunderstood it. He thought they had an interest, and felt it; for every man had an interest in removing a stigma of degradation from the caste to which he belongs. But, in the same breath, we are told, that the people are under the absolute dominion of their priests. Now, no man can deny that they are told by their priests that they have a deep interest in the question, and have taxed their poverty to support it. Whether, therefore, they have an interest or not, whether they understand the question or not, the practical effect upon their minds and conduct was the same. As circumstances now existed, it was, or appeared to be, the interest of the leading minds in Ireland to continue and promote these feelings of discontent and disturbance. If to the higher class of the Roman Catholics the door to the fair objects of their ambition were opened, what temptation would they then have to keep up the agitation of the country? Did any man really believe, that when they stood upon an equal footing with their Protestant fellow-subjects, they would, merely in order to transfer the payment of tithes from the incumbent to the priest, or in order to substitute the cope of the Roman Catholic for the lawn-sleeves of the Protestant bishop, expose themselves to wage desperate war against the whole strength of this country? Such a thing was not to be expected; and if it were, that strength would be sufficient to beat it down.

He was not, he said, prepared to go the length of those who announced rebellion or insurrection as the immediate or certain consequence of the rejection of this measure. He had too much confidence in the loyalty of his Roman Catholic fellow-subjects, as well as too much reliance upon their prudence. They must know, that, under present circumstances, such a step would render their situation worse instead of better; and they must feel, that, although the boon now prayed for be not granted, they are still in possession of too large a proportion of the blessings of a free constitution, to risk them in a desperate struggle. But, can any man answer for what may, under other circumstances, be the result of their disappointment? What venom, that "hope deferred, which maketh the heart sick," may infuse into the wholesome juices of their now sound constitution? Could any man say what might be the result, if we were engaged in a foreign war against any temporal power which possessed both the means and the inclination to seduce the loyalty of Ireland, with the assistance (in such case, and in such alone not impossible) of that very spiritual power, which we affect so much to dread? The mere apprehension of such an attempt, however improbable its occurrence might be, could never leave us at our ease; it must necessarily cripple our exertions against the foreign enemy, by employing a large proportion of our disposable force in guarding what must be considered as the most vulnerable part of our empire. It was the astonishment of all Europe—and he had frequently been himself galled and taunted by the observation—that we seemed not to think it worth our while, by following the system of nearly the whole continent in this respect, to guard against the possibility of dangers so great and extensive, to add so much to our own positive strength, and to deprive our enemies of such tempting means of annoyance. The decision of their lordships that night, if it were such as he feared he must anticipate, would, he could positively assure them, be hailed with triumph by those, whom he would not invidiously call enemies, but who certainly were the rivals of our country. They would see in it the seeds of future weakness—

Hoc Ithacus velit et magni mercentur Atridæ.

The *Lord Chancellor* said, that, at that late hour he would not enlarge in his observations to the House, and he would altogether pass by the merits of what was called the Catholic question. But there were one or two circumstances which he felt it to be his duty to himself and to the country not to overlook. He confessed himself at a loss to understand how the bill came before their lordships in its present shape and form. From the votes of the House of Commons it appeared, that another bill had been brought into that House to disfranchise a great number of freeholders in Ireland; and also that a resolution had been agreed to, that it was expedient that a provision should be made for the Roman Catholic clergy by the state. Now there was no man but must see that there was an intimate connexion between these propositions and the bill under their lordships' consideration. Yet their lordships were called upon to pass the measure under their consideration, without having any means of anticipating what would be the fate of the other two propositions. That, he would say, was not a proper mode of legislating; and if he had no other reason for opposing the bill now before their lordships but the single circumstance to which he had adverted, he would make his stand on that ground; for it was impossible for him to satisfy his mind as to the probable effect of the bill on the interests of the Protestant establishment, without knowing what would be done with those other propositions. He would not now allude to what had taken place at the Union. He was, nevertheless, glad to hear a noble marquis say, that there was no pledge given at the period of the Union that the Catholic claims would be granted, although there was an understanding to that effect. He had never heard the great man, of whose administration he formed a part at the period, speak of the Catholic claims, without declaring that they could not be agreed to without complete securities for the Protestant establishment. His duty personally to that great man, and many other considerations, induced him frequently to endeavour to ascertain what those contemplated securities were; but, notwithstanding all his inquiries, he could never learn. At one time the Veto was proposed. He need not tell their lordships what had become of the Veto. Although there was a degree of ingenuity displayed in the manner in which this bill was drawn up, which he had hardly ever seen before in the composition of an act of parliament, there was no variation in the preamble of this from former bills. That preamble contained; first, a solemn acknowledgment that the Protestant establishment of this realm in church and state must be inviolably and permanently secured. Then came an allegation, that they were inviolably and permanently secured. He allowed that they were secure, provided the acts which rendered them so were permitted to continue in force; but, if their lordships took away the substance of those acts, where then, was the inviolability of their security, or their security at all? Next came a statement that it was just to unite the hearts of all his majesty's subjects in one and the same interest; but parliament, it seemed, was to be an exception, for the bill set them all by the ears. But, the present bill contained a provision which went to regulate the intercourse with the See of Rome. And, who were to be the instruments in superintending that intercourse? Three Roman Catholic commissioners, who refused to give a pledge on their own parts to the supremacy of the Crown. He had taken a positive oath, by which he bound himself to deny the spiritual or temporal jurisdiction of any foreign prince, potentate, or prelate within these realms; which, so help him God, he would not violate. It was true, that somewhere an interpretation had, he understood, been put on that spiritual jurisdiction by two eminent lawyers, one English the other Irish, which he undoubtedly did not understand. As a privy counsellor he had also taken an oath to defend and maintain entire and inviolate the supremacy of his sovereign. He had also taken the oath of allegiance. He knew it might be said that his mind was fettered by the trammels of a lawyer; but he had the authority of lord Hale to state, that the oath of allegiance was erected to dissipate the different constructions that were put on the oath of abjuration, which, though not created, was restored by that enactment. Under the sense of these obligations he was prepared to give his opposition to any measure which derogated from the supremacy of his sovereign. He could not bring his mind to understand what a jurisdiction merely spiritual meant. If, by a spiritual jurisdiction, the marriage of a Protestant with a Catholic was set aside, though the courts of civil law of this country compelled the parties to continue in wedlock, he would ask, was that a spiritual or temporal jurisdiction? The discussion of the present measure required a much larger field than its advocates gave it. It must be considered in connexion with the other measures which their lordships had understood, from the votes of the House of Commons, were in contemplation. It must be taken with the disfranchisement of the freeholders, and with the provision for the Catholic clergy of Ireland. He asked, therefore, whether the English Catholics were to be placed on an equal footing with those of Ireland? The authority of Mr. Burke had been alluded to—that Mr. Burke, who had stated that it was essential to the constitution that we should have a Protestant king, a Protestant government, and a Protestant parliament. Now, he wished to know, whether under a system so essentially Protestant, the Protestant Dissenters were not also to be put on a footing with the Roman Catholics of both countries. On what principle could their lordships refuse the stipends to the Protestant Dissenters after they had secured them by an act of parliament to a Popish hierarchy? He would go further, and say, that after such a provision had been made for the Catholic priesthood of Ireland, it was impossible to refuse something more than a regium donum to the clergy of the Dissenters. They had heard much of the constitution of the States of America. He trusted that the experiment that had been made in that country of a government without a religious establishment, might, for the peace of its people, succeed; but, it was not because such an experiment was on trial, that he would agree to surrender the rights and security of that church establishment in this country, which had contributed so essentially to its glory, prosperity, and happiness. —With respect to the other measure which it appeared was to accompany the accomplishment of the present bill, he meant the disfranchisement of the Irish 40*s*. freeholders, he should pronounce no opinion upon it then. He would not say whether it was wise or unwise; but, he would say, that they were called upon to decide on the main measure. Yet, if it were true that a measure which went to disfranchise thousands of the king's subjects was brought forward with a view to catch a vote on the one and the other side of the House for another bill which went to obtain an extension of civil rights for a few, it did in that light appear to him a most objectionable measure. Some noble lords had termed him a parliamentary reformer. He would say, in answer, that he had lived too long in the world to attach much respect for the character of what was understood to be a reformer. He most certainly saw reformers, revolutionists, and other persons, all united together to carry forward the present measure; those other persons being some of the very best persons in the country. But, he was stated to be a reformer because he had ventured to declare his belief that the great majority of the people of this country was hostile to the present measure. In that opinion he persevered. He did believe that an infinite majority of the English people were averse to it—that they were disquieted by the apprehension of its accomplishment—and that if it did pass, it would give great pain and dissatisfaction. But then it was said, it had passed the House of Commons. He did not wish to give any cause of dissatisfaction to noble lords near him; but he well recollected the East India bill—a bill which passed the House of Commons, and against which numerous petitions had been presented. It was, however, then, as it was now, contended that the people approved of the measure. There, however, unluckily for that assertion, came on a general election. The House of Commons, after that election was differently constituted; and the result proved, that what was alleged to be the decision of the people of this country turned out to be a perfect delusion. He felt that, in the few observations he had made, he had not, at that advanced hour of the morning, expressed himself as clearly as he could have wished; but he should conclude with assuring their lordships, that after twenty-five years deep consideration of the subject, he could not, conscientiously with his sense of duty, and the station which he held under the Crown, give his support to the present bill.

Earl *Fitzwilliam* said, that he could not let the question go to a vote without declaring, that from deliberate conviction and much experience, he was the firm advocate of admitting the Roman Catholics to a full participation of the blessings of the constitution: convinced as he was, that such a measure was essential to the peace of Ireland, and the security of the united kingdom.

The House then divided; when the numbers were: Contents, present 84. proxies 46—130. Not Contents, present 113. proxies 65—178. Majority against the bill 48. Adjourned at half-past-five in the morning.

List of the Majority and Minority.

MAJORITY.—PRESENT.

Duke of York
Lord Chancellor
Lord Privy Seal
Duke of Beaufort
Dorset
Newcastle
Richmond
Rutland
Wellington
Marq. of Anglesea
Aylesbury
Exeter
Hertford
Lothian
Northampton
Salisbury
Thomond
Winchester
Earl of Abergavenny
Abingdon
Aylesford
Bathurst
Digby
Enniskillen
Home
Liverpool
Longford
Macclesfield
Mayo
O'Neil
Pembroke
Pomfret
Radnor
Rochford
Scarborough
Shaftesbury
Stamford
Strange
Viscount Beresford
Exmouth
Lake
Lorton
Sidmouth
Sydney
Lord Arden
Beauchamp
Bexley
Bolton
Boston
Brownlow
Carbery
Cathcart
Charleville
Clanbrassill (Earl Roden)
Colchester
Combermere
Dalhousie (Earl)
De Clifford
De La Zouch
Delamere
Dufferin
Dynevor
Falmouth
Gambier
Gifford
Grantley
Grey
Harewood
Hawke
Kenyon
Kinnoul
Lonsdale
Mansfield
Meldrum (Earl Aboyne)
Middleton
Montagu
Northwick
Orford
Penshurst
Powis
Ravensworth
Redesdale
Rodney
Rolle
Saltersford (Earl Courtoun)
Sheffield
Stanhope
Stuart (Earl Moray)
Teynham
Verulam
Walsingham
Willoughby de Broke
Archbp. of Armagh
Canterbury
York
Bp. of Bath and Wells
Bristol
Chester
Chichester

Down
Elphin
Ely
Exeter
Gloucester
Lichfield
Lincoln
Llandaff
London
Oxford
Peterborough
St. Asaph
St. David's
Worcester

PAIRED OFF.

Lord Bayning
Braybrooke

PROXIES.

Duke of Clarence
Cumberland
Manchester
Marlborough
Marquis of Cholmondeley
Earl of Cardigan
Carrick
Chatham
Chichester
Clancarty
Craven
Egremont
Errol
Ferrers
Graham (D. of Montrose)
Harcourt
Howe
Kellie
Malmesbury
Manvers
Mount-Edgecumbe
Nelson
Norwich (D. of Gordon)
Paulett
Plymouth
Romney
Stradbroke
Talbot
Wemyss
Winchelsea
Viscount Arbuthnot
Carleton
Lord Bagot
Brodrick (Midleton)
Coventry
Dormer
Douglas
Douglas (Earl Morton)
Fisherwick (Mar. Donegal)
Forbes
Forrester
Glenlyon
Gordon (M. of Huntley)
Gort
Harris
Le Despencer
Loftus (Marquis of Ely)
Manners
Newburgh
Oriel
Ribblesdale
Rivers
Ross (Earl Glasgow)
Saltoun
St. Helena
Stowell
Tyrone (Marq. of Waterford)
Vernon
Wodehouse
Bishop of Bangor
Carlisle
Durham
Hereford
Waterford
Winchester

MINORITY.—PRESENT.

Duke of Sussex
Lord President
Duke of Argyll
Buckingham
Devonshire
Grafton
Leinster
Portland
Marq. of Bute
Camden
Conyngham
Downshire
Lansdown
Londonderry
Queensberry
Earl of Aberdeen
Albemarle
Breadalbane
Bristol
Caledon
Carnarvon
Charlemont
Clare
Clarendon
Cork
Cowper
Darlington
Darnley
Donoughmore
Essex
Fitzwilliam
Fortescue
Gosford
Grey
Grosvenor
Hardwicke
Ilchester
Jersey
Kingston
Lauderdale
Limerick
Minto
Morley
Ormond
Oxford
Rosebery
Rosslyn
Somers
Spencer
St. Germain's
Suffolk
Tankerville
Wicklow
Wilton
Vis. Clifden
Down
Dudley and Ward
Duncan
Hereford
Maynard
Melville
Torrington
Lord Abercromby
Auckland
Calthorpe
Cawdor
Dacre
Dundas
Ellenborough
Foley
Gage
Grantham
Holland
Howard of Effingham
Howard of Walden
King
Lilford
Lynedoch
Montford
Napier
Selsey
Suffield
Yarborough
Bishop of Norwich

PROXIES.

Duke of Bedford
Hamilton
Somerset
Marquis of Headfort
Sligo
Stafford
Tweeddale
Wellesley
Earl of Belmore
Besborough
Blesington
Buckinghamshire
Carlisle
Carysfort
Cassilis
Cornwallis
De La Warr
Derby
Egremont
Elgin
Garnard
Harrington
Hopetoun
Lucan
Mulgrave
Waldegrave
Viscount Anson
Granville
Melbourne
Lord Alvanley
Amherst
Belhaven
Carrington
Churchill
Clinton
Crewe
Ducie
Erskine
Grenville
Gwydyr
Hill
Hutchinson
Maryborough
Saye and Sele
Sondes
Bishop of Rochester

HOUSE OF COMMONS.

Tuesday, May 17.

LONDON TITHES BILL.] Mr. Alderman *Wood* moved the second reading of this bill. The parishioners, he said, were willing to raise the tithes to 1*s.* in the pound, but they objected to the payment of the enormous sum of 2*s.* 9*d.*, which was demanded by the incumbents of the five parishes. He challenged the parties who made this claim to prove the enrolment in the court of Chancery, of the deed which was granted in the reign of Henry 8th. No jury in England would give a verdict on the facts; but, if the incumbents and impropriators would submit their case to a jury, the parishioners would not object to such a judicial mode of determination. He denied that the parties with whom the bill originated had incited the parishioners to resist the claims of the clergy. They wished justice to be done to all the parishioners who paid tithes; for it was unjust and absurd that some houses should be burthened with a payment of 6*d*. and others with 9*d*. and 1*s*. Repeated conferences had been held with the clergy, and every effort had been made to bring about an amicable settlement.

Mr. *W. Courtenay* considered this was an extraordinary attempt to interfere with the rights of individuals. By an act of the 37th Henry 8th, it was enacted, that a decree therein mentioned should be enrolled, after which it should have the effect of a statute. By that decree, a rate of 2*s*. 9*d*. in the pound was made payable to the persons entitled to the tithes, by the inhabitants of certain parishes in the city of London, included in that act. From that period to the present, these tithes had been dealt with by the persons entitled to them as they would have dealt with rent-charges, or any other property to which their title was unquestionable. With respect to the enrolment, the evidence of presumption with respect to an event which took place three hundred years ago would be admitted in this as it must in every other case. In the year 1647, an issue was tried, in which the question of the enrolment had arisen, and the jury upon that occasion found that the decree had been duly enrolled. Would the House, after this finding, entertain a bill, the preamble of which set forth the assumption that there had been no such enrolment? He hoped, after this statement, that such an infringement on private property would not receive the sanction of the legislature, and that the parties would not be put to the expense of going into a committee. The hon. and learned member concluded by moving that the bill be rejected.

Mr. Alderman *Bridges* supported the bill, and he hoped that, notwithstanding the instances adduced by the hon. and learned gentleman, the House would do justice to the numerous individuals who had so feelingly appealed to it.

Mr. *Wynn* said, that if this bill was allowed to pass through another stage, it might shake the foundation of all private property. The impropriator claimed under the law of the land, the security of an act of parliament, and the finding of a jury more than one hundred and fifty years ago. It was therefore difficult to imagine a less objectionable title. The House was not to erect itself into a court of justice, to decide private claims. If the decree had been improperly obtained, it had been open to the parties to reverse it in the House of Lords. In all cases where an invasion of this kind had been allowed, it was only where a great public benefit was to be secured by making a more than full compensation to the party deprived.

Mr. *J. Smith* said, that the incumbents had a good and perfect right to enjoy the 2*s*. 9*d*. in the pound which the law allowed them.

Mr. *Calcraft* said, he had been informed, that upon the trial to which the learned member for Exeter alluded, the enrolment had not been brought into question. He thought it was at least fair, that a new issue for the trial of that question should be granted. He agreed that it was of the last importance to preserve the rights of property and to maintain old and settled decisions. In the case of the fire of London, the parliament had dealt with the property of the church for the benefit of churchmen; he thought, therefore, that they might now do so for the relief of the parish. Last year he had carried a bill providing a compensation, for the rector of St. Andrew's, Holborn, and having the concurrence of the excellent duchess of Buccleuch, and of the bishop of London, he had experienced no difficulty. He wished for the trial of an issue, for the purpose of ascertaining the question of the enrolment, upon which the whole subject turned, and which would put an end to all litigation.

Mr. *Courtenay* referred to the report of the case tried in 1647, in which the question of the enrolment had been raised, and decided in the affirmative.

Mr. Secretary *Peel* felt it unnecessary, after the explanation given by his learned friend, to say more than a very few words on this subject. He could not but shrewdly suspect, that this bill had been drawn by the hon. Alderman (Wood) himself. At the period of passing the act the clergy made the same complaint as they did now, that "the citizens for their riches were very stout, and would not pay." The act had been passed in consequence; and now the citizens of the present day, not less stout, nor more willing to pay than those of Henry 8th's time, came down, backed by the worthy alderman, and asked the House to violate the rights of private property. During the present session an amicable arrangement had been made between the rector of the parish of Bishopsgate (the bishop of Chester) and his parishioners. He was willing that every thing which was practicable should be done to effect such arrangements wherever similar disputes existed; but he would oppose a bill which, like the present, attacked private rights.

Mr. *W. Smith* agreed that the principle of the bill could not be supported.

Mr. Alderman *Wood* said, that the measure before the House had not been resorted to until all means of obtaining the trial of an issue had been attempted and had failed.

The amendment was agreed to, and the bill rejected.

REPEAL OF THE WINDOW-TAX.] Mr. *Hobhouse* rose, pursuant to notice, to bring forward his motion for the Repeal of the Window-tax. He began by stating, what he thought was clear to the whole country, that notwithstanding the general approbation of the House and the people, of the measures of his majesty's ministers, onsiderable dissatisfaction was evinced that greater relief had not been afforded from direct taxation. After the immense exertions they had made—after the unparalleled weight of taxes they had borne, and had borne patiently—they certainly had a claim to relief, which had not been extended so widely as it could and ought to have been. The speech of the right hon. the chancellor of the Exchequer on the subject of taxation, was equally memorable for the talent it displayed and the disappointment it had created. The House had been told of the "giant smuggler," whom, it was said, the right hon. gentleman could not lay, if he was called upon to make any further reduction. Reference had frequently been made to Ireland, and to the taxes imposed upon her; and yet the window-tax had been removed from that country, though it was continued in this, and that relief had been afforded by a ministry less willing to yield than the one now in power; but, it was granted to the universal demand of the people, among whom the tax had been truly and justly described as "the fever tax." The same description of it could fairly be applied to the tax in this country; where exactly the same reasons existed for its repeal. Great dissatisfaction was felt in this country at the continuance of this tax—a dissatisfaction which was too great for the right hon. gentleman to conceal even from himself. The collectors were deemed a sort of animals of an accursed kind; and a man received from their hands the paper of duty demanded, with about the same grace that a pacha received from the officers of his sovereign, that by which they were authorized to demand his head. A penalty of 50*l.* ran throughout the hateful document: it was asserted in the first sentence, in the various regulations which the paper contained, and it formed the termination. All its details were of the most disagreeable and disgusting nature: so much so, that the ministers who would not relieve the country from them when they might, ought not to vapour about that country's prosperity. One great effect of the tax was, to make the government hateful to the eyes of the people, by bringing them constantly into contact with the collectors; and yet this tax, so impolitic on the one hand, and so oppressive on the other—this tax, which affected all classes of the people, was suffered to remain, in order that some, which only pressed upon a portion of them, might be repealed. The petitions for its repeal had been more numerous than those presented on any subject whatever; and they had only been so, because the tax was so universally disliked. Even the right hon. the president of the Board of Trade, had felt it his duty to present a petition from his constituents in favour of the repeal of this tax—a gentleman of whose conduct they so much approved, that they were about to present him with a piece of plate, which reflected as much grace upon the bestowers as upon the receiver, and he hoped that they would have occasion to present him with another piece of plate for his vote that night. The right hon. gentleman, in a letter to his constituents, had said that this was not an inquisitorial tax. Now, if there was one feature which more peculiarly belonged to it, it was, that it was inquisitorial? The collectors had a right to enter every house at all times, to surcharge if a false return happened to be made; and, twice a-year, the inspector might enter. This was enough to make any tax odious. Every week this visit was dreaded, which excited so unpleasant a feeling, as to give to this tax a most inquisitorial character. The right hon. gentleman also stated in that letter, that the amount of the direct taxes was comparatively small as compared with the amount of the indirect taxes. True; but it was because the indirect taxes were so enormous, that the direct taxes, the income-tax only excepted, could not approach them. The amount of the direct taxes was not small. On the contrary, it was large compared with what had been paid before the war. True, they were reduced within 350,000*l.* of what they were in 1792; but, before that period, this tax was considered as a commutation for other taxes, and to be levied only under peculiar circumstances. He would ask the right hon. the chancellor of the Exchequer, whether the reduction of the duty on wine, coffee, and spirits, would operate so directly to relieve the people as the one he proposed? The right hon. gentleman must agree, that taxes which pressed so heavily, and which were in themselves an intolerable grievance, ought to be repealed. When the clamours and outcries of the people against this tax were so strong, it was the duty of the House to listen to their claims, and immediately repeal it. Certainly, the chancellor of the Exchequer did repeal a portion of this tax, which, he said, relieved 635,936 persons from its operation, by taking off the duty on all houses with no more than seven windows. But, many of the parties contemplated by the right hon. gentleman were not relieved, particularly those who lived in towns, as he knew to be the case in Westminster, because the landlords paid the Window-tax, and the tenants in consequence derived no advantage from a reduction of rent. There was another point to which he must refer; namely, that in the Assessed taxes, every relaxation only rendered the assessor more severe. The year before, when a relaxation of duty took place on shop-windows on the basement story, the inhabitants of Westminster had assured him, that they paid more than they did before. In two cases, appeals were lodged, and the parties were partially relieved. Some of the inhabitants of Liverpool, who had done him the honour of communicating with him on the subject, had even gone so far as to say, that they had rather the tax should stand as it originally was. He knew an individual in Westminster, who had a sky-light, which lighted sixteen windows inside, and he was charged with sixteen additional windows. The collectors were impressed with the idea, that if internal windows were lighted by an external window, they were authorised in assessing those windows as if they had been external. In Westminster, there were few houses with seven windows only; and therefore few of its inhabitants had been relieved by the measure of the chancellor of the Exchequer, though nowhere was relief more necessary, for in one parish there had been more than a hundred distraints in one quarter for the recovery of these abominable assessed taxes. In the outskirts of the metropolis, a few cottages would be relieved, but no relief would be felt by those who were most aggrieved; namely, by the shopkeepers and the middling classes. The right hon. the president of the Board of Trade had recommended this tax to the people of Liverpool on account of its antiquity; but, its antiquity was a bad recommendation to a town which was much newer than this tax. As a proof how odious such taxes as these were to the people, the hearth tax, which was imposed by the 13th and 14th of Charles 2nd, and was one of the causes of the Revolution, was afterwards repealed by the 1st of William and Mary, and the preamble of this bill recited, that it was a tax oppressive to the people, and a badge of slavery to the poor. This prospect was, however, blackened in six years after by a house tax of 2*s.*, and a tax upon window-lights in houses with nine windows; so that we were even worse off than the people of that day by two windows. In 1784, the window-tax was imposed as a commutation for a duty on tea. A small reduction in the price of tea was the consequence; but soon after it rose a hundred per cent. In 1797, also, a commutation was pleaded as the excuse for continuing the tax. So it was in 1802. The whole was a system of cajolery and delusion, and now again coffee, wine, and spirits were something cheaper, and the Window-tax was allowed to continue. He complained of the inequality of this tax. A house in Tothill-street with twenty windows, paid the same tax as a house in Lombard-street with the same number of windows, of infinitely more value, the owner of which was worth 5,000*l.* a year, while the owner of the other was not worth 50*l.* a year. It also operated against the builders of houses. It made small houses uninhabitable, and large houses unsightly. In this age of architecture, look at its effects in the metropolis. The effect of this tax was, to prevent even rich men from having a sufficient number of windows. At least he could find no other reason for the absence of windows in some of our most leading streets. In Piccadilly, for instance, there was a house belonging to a very rich individual, in which scarcely a window was to be seen. It reminded him of the line of Pope, "And look on every side you see a wall." It was indeed, "Monstrum horrendum, informe, ingens, cui lumen ademptum." It showed a hatred of the sun. It was a monstrosity, and though the hon. gentleman who owned it was a member of the Committee of Taste, there was certainly no proof of it in that building. The only way in which this could be accounted for—for in this case the tax was no object—was, that a bad taste was generated by the continuance of the window-tax. Now, it might be asked, if this tax were to be done away with, how could the deficiency be made up? This might be a proper question for a finance minister to ask; but it could scarcely be expected that those who thought with him, that the expenditure was already too large, that there were many other taxes which ought to be repealed, and that there never was any necessity for a sinking fund—it was scarcely to be expected under these circumstances, that he should furnish the right hon. gentleman with an answer. He believed, however, that, independently of the abolition of the sinking fund, there would be found in the surplus revenue a sufficient fund to carry on the operations of government, if the window-tax were abandoned. A reduction of 1,500,000*l.* had been made in the taxation, as stated by the chancellor of the Exchequer in his budget. But he did not think a reduction to that extent would take place in the revenue; for, taking the last quarter as his guide, the diminution was not in that proportion. He might therefore take it, that the reduction would be 300,000*l.* or 400,000*l.* less than the million and a half, in consequence of the increased consumption. This, added to the surplus of 1826, as anticipated by the right hon. gentleman, would make about 900,000*l.* and the window-tax proposed to be reduced was only one million. It might be objected, that as the estimates had been already passed, and the expenses of this year voted, it would be unreasonable to call upon the government to make any further reduction; but, as he wished to obviate every objection, the object of his present motion was only to call on the House to pledge itself to a repeal of this tax next year. Almost all the petitions called for a repeal of all the Assessed taxes. He was, therefore, moderate in contenting himself with only a repeal of the window-tax. In this tenth year of peace the people had a right to the removal of this obnoxious burthen. The hon. member concluded with moving, "That it is the opinion of this House, that the numerous and repeated petitions of the people for the repeal of the Window-Tax are highly deserving of the attention of this House; and that, from the 25th of April, 1826, the said tax ought to be immediately and totally repealed."

The *Chancellor of the Exchequer* observed, that he would not go the length of saying, that because the estimates were voted and the expenses of the year incurred, the House were therefore incapacitated from making such reductions as they should deem expedient. But this was a question which had been already decided by the House, on the motion brought forward by the hon. member for Abingdon. The only difference between that motion and the present was, that the one called for an immediate reduction, and the other went to pledge the House to a reduction next year. Now, any one who attended to the principle upon which he had proposed the reduction of taxes to the amount of 1,500,000*l.* must see, that the reduction of 1,200,000*l.* now, would be totally inconsistent with that principle. The mistake of the hon. member was in calculating the surplus for two years instead of four years. If this tax were repealed, the whole reduction would be 2,700,000*l.* and that, when, after the best calculation on the surplus of four years, it was found they could only accomplish a reduction of 1,500,000*l.* The hon. member had laid great stress upon the number of petitions presented in favour of the repeal of this tax. No man was more ready than he was to give them due weight, but he by no means went the length of saying, that the House were necessarily bound by them. Many of these petitions had been presented before he had proposed his plan for the reduction of indirect taxes. Some of them asked for the total repeal of the assessed taxes—some for the repeal of the window-tax—and others, if they could not get this, that the poorer class might be relieved from its operation. This class he had thought it desirable himself to relieve; and yet the relief given was now treated as utterly insignificant by the hon. member. In the effect of that relief, he, however, differed from the hon. member; for shortly after the repeal, he had been waited on by a deputation from the corporation of London; who were so surprised at the effects which it had produced, that he observed in their manner something like a conviction that he had been right in the course he had taken. If the country had been so pinched by this tax—if they were as clamorous as they were represented to be by the hon. member—if such discontent was abroad, it was a little extraordinary that the presence of a certain individual at a meeting, the object of which was the repeal of the window-tax, should have had the effect of routing the hon. baronet opposite, and his colleagues, and converting the petition into no petition at all, merely because that individual proposed to add another clause to it. The statement of the hon. member, that the reduction already made was no relief, was candid; because it proved, that those who now paid as much as they did before, only then paid half what they ought to have paid. But, in point of fact, the reduction must have left 1,300,000*l.* in the pockets of the people. The hon. member said, the people of Westminster had received no relief; but, he could state, that two thousand out of seventeen thousand persons who paid the Window tax in Westminster, now paid none at all. But, said the hon. member, "the landlords do not reduce their rents." It was too hard, when government reduced taxes, to turn round, and charge upon it the severity of the landlords. The hon. member complained of the inequality of the tax; but this charge necessarily applied to all taxes, when persons with different means were obliged to use the same quantity of any article that paid taxes. Another complaint was, that it was an obstacle to building, because Houses had fewer windows; but, he always looked upon paucity of windows as rather a beauty than a deformity in building. The hon. member had rather significantly alluded to the House of an individual, and had pointed it out as a deformity, because it had few windows; but this instance was not an apt illustration of his argument, because he could not suppose that individual would deprive his family of comfort, or his House of the necessary decoration, on account of the expense of a few windows. He advocated the reduction of indirect taxes, because he thought it tended more to increase the prosperity of the country, than the reduction of direct taxes; and when the hon. member talked of injustice in not listening to the petitions for the repeal of this tax, he thought they were only doing them justice; because otherwise they could carry with effect those measures which would confer more lasting benefits on the country. He should, therefore, oppose even a prospective repeal; because it would render all their former calculations useless, and, therefore, be one of the most unwise proceedings the House could adopt.

Mr. *Leycester* said, the effect of the tax was, to render the Houses of the people dark, uncomfortable, and unwholesome. He would therefore support a motion for the repeal of such an injurious tax.

Mr. *Calcraft* said, he saw his way so clearly, in the present prosperous state of the country, that, consistently with the conduct which he had formerly pursued, he would support the motion of his hon. friend. He conceived that the abolition of the window-tax would be much more beneficial to the country, than the partial reduction of those duties with respect to wine, coffee, spirits, &c., which had been already ameliorated; seeing that that amelioration did not prevent smuggling. In fact, the coast of Kent was now patrolled by sentries armed with cutlasses and pistols, as if we expected an hourly invasion.

Mr. *Herries* opposed the repeal of a tax that pressed so lightly on the community, and defended the course adopted by ministers in the reduction of indirect taxation.

Mr. *Maberly* said, that ministers set their own individual opinions in opposition to the sentiments of the whole country.

Sir *F. Burdett* supported the motion. There was no tax that he knew of that was attended with more ill consequences, or that was more unequal in its presure, than the window-tax. No regard was paid in its collection to the means of those on whom it was levied. His choice would be the incorporating the window-tax with the house-tax; by which one set of collectors would be got rid of. The present system was likewise peculiarly obnoxious, from its being the means of invading the privacy of people's houses.

Mr. *Huskisson* opposed the motion. He contended, that the same motion had been brought before the House by the hon. member for Abingdon, and negatived. The hon. baronet had been somewhat indiscreet, he thought in proposing that the window-tax should be added to the house-tax. There had been a meeting of the inhabitants of Westminster, to consider of the propriety of petitioning parliament for the repeal of the window-tax. Let the hon. baronet call another meeting of his constituents, and propose the union of the two taxes, and see in what manner they would receive such a proposition.

Colonel *Palmer* said, that notwithstanding the rebuke given upon a former night to a worthy alderman, he agreed with his hon. friend in supporting all motions for relieving the burthens of the people; as the ministers on their side invariably opposed them, whilst in every instance of the repeal of a tax being carried, they had contrived to go on just as well without it. This, at least, was more consistent than the conduct of another worthy alderman, who, upon the same occasion, had praised to the skies, the ministers and their sinking fund, whilst he voted against them, and reprobated in the strongest terms the injustice and oppression of the assessed taxes. For his own part, looking to the principles of free trade, at length adopted by the ministers, he had considered the measures of the chancellor of the Exchequer to be best calculated for the general interests of the country; nor was it against them, but the system of the government, that his opposition was directed. The right hon. gentleman had said, in his former speech, that he could not do all at once; but, looking to the burthens of the people, he had, in fact, done little or nothing to relieve them, nor could, without a change of system. Let the ministers only consent to that, and they would find in him as warm a friend, as he was an enemy: but, being convinced that the country was never yet in greater danger, which the ministers might at once remove, by adopting the only measure, to relieve the pressure of taxation, insure tranquillity in Ireland; and which, by firmly uniting the people with the government, could alone enable it to avert the impending storm. Until the ministers, whoever they might be, could resolve upon that measure — he meant reform in parliament—he should continue to oppose them with the same rooted hatred which the general of Carthage felt to Rome, in swearing his son upon the altar. The hon. member stated his regret at the continued indisposition of the right hon. the Foreign Secretary, which, with other reasons, had prevented his taking a part in the debates upon the Catholic question; but he meant to avail himself of the bill yet before the House, to declare his feelings upon the subject; and, should the right hon. gentleman be still unable to attend, he hoped to be allowed to advert to his conduct as a minister, in a matter wherein he had taken so prominent a part.

The House divided: Ayes 77; Noes 114; Majority against the motion 37.

List of the Minority.

Abercromby, hon. J.
Allen, J. H.
Althorp, visc.
Astley, sir J. D.
Baring, A.
Barrett, S. B. M.
Benett, J.
Bernal, R.
Bernard, visc.
Bright, H.
Burdett, sir F.
Byng, G.
Calcraft, J.
Carter, J.
Chaloner, R.
Coffin, sir I.
Colborne, N. R.
Crompton, S.
Davies, col.
Denman, T.
East, sir E. H.
Fane, J.
Fitzroy, lord C.
Grattan, J.
Guise, sir B. W.
Heron, sir R.
Honywood, W. P.
Hotham, lord
Hume, J.
Ingilby, sir W.
Jervoise, G. P.
Johnstone col.
Kemp, T. R.
Knight, R.
Leader, W.
Lester, R. L.
Lethbridge, sir T.
Leycester, R.
Lockhart, J. J.
Maberly, J.
Maberly, W. L.
Macdonald, J.
Marjoribanks, S.
Milbank, M.
Mildmay, P. St. John
Milton, visc.
Monck, J. B.
Newman, R. W.
Normanby, visc.
Nugent, lord
O'Callaghan, J.
Osborne, lord F.
Palmer, C.
Palmer, C. F.
Pares, T.
Portman, E B.
Price, R.
Pryse, P.
Ramsden, J. C.
Ridley, sir M. W.
Robarts, G. J.
Robinson, sir G.
Rowley, sir W.
Rumbold, C.
Scott, J.
Tynte, C. K.
Warre, J. A.
Webbe, E.
Whitbread, S. C.
White, H.
White, S.
Williams, T. P.

Williams, J.
Wilson, sir R.
Winnington, sir T.
Wood, ald.
Wrottesley, sir W.

TELLERS.
Gordon, R.
Hobhouse, J. C.

PAIRED OFF.
Greevey, T.
Davenport, D.

Denison, W. J.
Dundas, H. T.
Fergusson, sir R.
Glenorchy, lord
Maule, hon. W.
Rice, T. S.
Robarts, A. W.
Stanley, lord
Taylor, M. A.
Wharton, J.
Williams, W.
Wilson, C.

QUARTER SESSIONS MISDEMEANOUR.] Mr. *Denman* rose, in pursuance of a notice he had given to bring in a bill to remedy a grievance which existed in the criminal courts. If a person was indicted for a misdemeanour at the quarter session, he could not remove it without an expensive and troublesome process, while the prosecutor could do so almost as a matter of course. Several instances had recently occurred to show the extreme hardships of this upon the defendants. The hon. and learned gentleman alluded particularly to the case of a person who had committed an assault upon an attorney in Cornwall, and had been brought up to London at a very great expense; and to a prosecution by the Constitutional Association, when the indictment was in Lancashire, where the same trick was played. The object of the present bill was, that where the indictment should have been removed by certiorari, as it often ought to be, the judge might pass sentence at once.

Leave was given to bring in the bill.

SLAVE TRADE IN THE MAURITIUS.] On the motion of Mr. Huskisson, the House resolved itself into a committee on the Customs Consolidation act. It was his intention, he said, to put the produce of the Island of Mauritius on the same footing as the produce of the colonies of the West-Indies.

Mr. *Bernal* took that opportunity of complaining, that the House was at present in total ignorance respecting the extent to which the slave-trade was carried on in the Mauritius, owing to certain returns not having been made. He therefore wished the motion to be postponed until the House should be possessed of that information.

Mr. *Huskisson* said, that these papers would soon be printed, and that an opportunity would occur, on the general consolidation bill, for discussing this point; but he thought there was no occasion for postponing the resolution which he now submitted.

Dr. *Lushington* hoped the right hon. gentleman would not proceed until the information alluded to should be before the House.

Mr. *Bright* hoped the measure would be brought forward in a substantive shape, and not as a part of the general consolidation bill.

Mr. *Wilmot Horton* said, that the papers moved for had been laid upon the table, and that the delay in printing them was not to be charged against the government.

Sir *R. Farquhar* said, that the papers that were ordered to be printed contained the most convincing proofs, that since early in the year 1820, no slave-trade had been carried on in the Mauritius. In regard to the rumours on this subject, they were common to the West-India islands for many years after the abolition; but he felt satisfied, that there was no more truth in them respecting the Mauritius, than there was with regard to the West-India islands. A colony's interests and character were not to be sacrificed on the ground of vague rumour, which never, in any single instance, had stood the test of inquiry or investigation. So far as the Mauritius was concerned, therefore, he had no hesitation in vouching, in the most solemn manner, that there had been no slave-trade in the island for the last five years at least; and in making this assertion, it was gratifying to him to be borne out by the most satisfactory and conclusive letters, both public and private, to the Secretary of State, from his gallant and hon. successor, who would disdain to lend his authority to the fancied existence of such practice, merely for the purpose of obtaining the credit of having suppressed them; and he therefore did hope, that a measure equally called for by justice and good policy, and one so eloquently described on a late occasion by the right hon. the chancellor of the Exchequer in the analogous case of Canada, would no longer be deferred, and that the inhabitants of the Mauritius, after all their losses, and the disappointment of their just hopes and expectations—more especially in this House last year, when the bill for the relief of the Mauritius had undergone two readings—would not be debarred another day even from the enjoyment of the full benefit of the proposed measure.

Dr. *Lushington* made some observations respecting the landing of some slaves from a French vessel at the Mauritius.

Sir *R. Farquhar* observed, in reply to the learned gentleman, that the case alluded to, was that of a French vessel from Mozambique, which it was suspected intended to make a dèpôt of slaves for Bourbon in one of the uninhabited islands of the Archipelago, to the north-east of Madagascar; but there was no landing, and the vessel was intercepted close to one of those uninhabited islands, by the exertions of captain Moresby. He put it to the candour of the hon. gentleman, whether this could be construed into a slave-trading with the Mauritius.

The resolutions were then agreed to.

HOUSE OF COMMONS.

Wednesday, May 18.

PRIVATE COMMITTEES—WELCH IRON AND MINING COMPANY BILL.] Mr. *Littleton* called the attention of the House to a subject which he deemed of considerable importance. On the 21st of April a complaint had been made to the House by the hon. member for Yorkshire, that a day had been appointed for the meeting of the committee on the above bill, and that, though all the parties interested in opposing the bill, with their counsel, had appeared, and incurred great expense, yet no committee took place. Another meeting had then been appointed for that day, and a like circumstance took place. The hon. member, after adverting to the inconvenience and expense which parties were thus put to, moved, "That the order for the committee on the said bill be discharged."

Lord *Milton* seconded the motion. The parties opposing the bill had been, he said, most inconveniently and expensively kept in town, and had received no notice of postponement in either instance.

The *Speaker* said, he had paid great attention to the private business, in order, if possible, to remedy the inconvenience arising from the great pressure of it this session, and that it might be better regulated for the general benefit of the public. But, whatever might be the complaints of parties as to their agents, or as to their being delayed in town, yet if the gentlemen who constituted the committee absented themselves, and never attended, as had been the case on the present occasion, it was quite idle to think that any regulations could remedy the present grievances. He would say, that nothing was more degrading to the character of the House, in whose hands was vested such a mass of property, than that such a proceeding should take place; which, to use the slightest term, savoured of the grossest negligence.

Sir *J. Wrottesley* thanked the Speaker for the attention he had paid to this subject. He hoped that what had taken place with respect to this company, would put the House on its guard as to the character of such companies as these; and that persons who were the dupes of such companies would be a little more careful in making inquiries before they risked their property. He thought that something like recognizances, might be necessary to compel the attendance of persons introducing private bills of this kind.

Mr. *Jones* impressed upon the House the extreme inconvenience to which parties were exposed by such misconduct.

Mr. *M. A. Taylor* said, that unless some steps were taken to remedy the inconvenience arising from the quantity of private business, and the manner in which it was conducted, the public would have a right to complain of neglect. He had been on several committees, and lamented the expense that persons were put to, in order to protect their property against the many schemes which were brought forward. In one committee which he had attended, a gentleman, whose ancestors had held a property of 2,000*l.* for many years, had been put to the expense of 1,000*l.* in order to defend that property. It was incumbent on the House to endeavour to frame some regulations which should place the business on a footing different from that on which it now stood, and subject those persons to punishment who came, without any claims, to invade private property.

Mr. *S. Wortley* declared he had never seen so gross a case of neglect as the present. The company had not only no committee, but had not even given notice that they meant to adjourn.

Mr. *Hume* suggested, that the only likely mode of reforming the present evils would be, to allow the public papers to report the proceedings of private committees.

The order was then discharged.

ROMAN CATHOLIC CONTRIBUTION TO PROTESTANT CHURCH—PETITION FROM

TAGHADOE.] Mr. *Brougham* presented a petition from the Roman Catholic inhabitants of Taghadoe, praying that, as the proportion of the Roman Catholics to Protestants in that parish was three hundred to one, they might not be obliged to build a church for Mr. Grierson, a member of the Protestant establishment. A more humble or reasonable request never was made to this or any other public body. The petitioners stated, that there was a very good church in the neighbourhood, in which Mr. Grierson had a free pew; that whereas he required a sexton, sextoness, pew-opener, clerk, and others, in all six people, to attend to the salvation of his spirit; they prayed that he might open the pew himself, that he might dig his own grave, and perform the other duties in his own character. This was the request these individuals made; and a more fair and reasonable one never was made. As this was a petition from Roman Catholics, he could not help adverting to an event which had occurred since the House had last met; he meant the rejection of the Roman Catholic bill by the House of Lords. He deplored the rejection of the bill by a majority, which, if not altogether unexpected would prove a source of bitter disappointment to millions of subjects. He hoped that before the present session passed over some palliative might be administered for such a disappointment. While Ireland was Ireland it never could be set at rest, except by the two Houses together with the Crown, concurring to give to Ireland equal and impartial justice. The bill had had the aspirations of six millions of loyal subjects. How long a constant renewal of hope and a perennial disappointment could be endured, and how soon despair might take place, let the Lords determine; for the House of Commons had done its duty. Not only had the bill the aspirations of six millions of fellow-subjects, but it had the support of the greatest men, Burke, Romilly, Whitbread, and others; and greater than all, Fox and Grattan, who were the fathers of this measure. The wisest men of the present generation were the constant, zealous, friends of this measure. Great lawyers were in its favour, he meant not men on this side of the House—not men great in their own estimation, but great in the estimation of a higher authority—he meant great in the estimation of the lord high chancellor of England; for if they were not great in that noble lord's estimation, what a pusillanimous course was his, who, to keep his own paltry place, permitted his colleagues, with whom he differed, to keep those great lawyers in the highest legal offices under the prince whom he served. He said, "great lawyers"—the Attorney-general for Ireland was a great lawyer. Eloquent he was, and that the House knew; able he was, and that the lord chancellor knew and felt; and he, the lord chancellor, was either the meanest of men, or he, the lord chancellor, thought and knew that Mr. Plunkett was a great lawyer. That was the authority by which this bill was recommended. On that authority rested the case; and he prayed to God that measures might yet be taken to remedy the present evils.

Sir *T. Lethbridge* said, that if the observations of the learned gentleman had not been said by him to be parliamentary, he should have thought them quite out of order. If any portion of the community were disappointed by the vote of the other House, he hoped they would still be distinguished for that loyalty by which they had been hitherto characterized. He was sorry that his right hon. friend had not been in the House when the learned gentleman made his speech; a speech which seemed prepared for the occasion, and which was certainly exceedingly well got up. He was surprised that the learned gentleman should have had the bad taste to come down and question the decision of last night. The petition seemed to have been kept back for the occasion.

Mr. *Spring Rice* rose for the purpose of setting the hon. baronet right with respect to the circumstances under which his learned friend had presented the petition. He could assure the hon. baronet that he was quite mistaken in supposing his learned friend had had it in his possession for a month or even for a day; as it had been handed to him only a few hours back, and five minutes after he had received it he had confided it to his learned friend. If, therefore, all the hon. baronet's inferences were drawn from similar premises, he could hardly think them deserving of much attention. He had, however, to thank the hon. baronet for one part of his speech; and it was that in which he had praised the people of Ireland. He believed the hon. baronet did not exaggerate when he so eulogised them. They were as brave, patient, and loyal as any other people; but he was sorry to say, they had met a very bad reward for their patience and their loyalty. For his part, he would say now that the measure of Catholic emancipation had been defeated —now that the hopes of the people had been disappointed—he would, if he had not duties to perform in that country which he could not abandon, and if all his feelings and associations had not been bound up in its fate, willingly quit the country for ever, and never hear the name of Ireland mentioned again [hear, hear!]. If this was his feeling as a Protestant proprietor (and if, as he well knew, such were also the feelings of many other Protestant proprietors) what must be the deep affliction of the Catholic gentry and nobility, many of whom, perhaps, might not consider themselves bound by the same ties of duty, but might abandon the country to its fate, and to all the evils which would flow from the want of a resident gentry [hear, hear!]. With respect to the observations which had been made by the hon. baronet as to the impropriety of the observation made by his learned friend, with reference to the conduct of another House in rejecting this bill, he thought it was perfectly competent to members of that House to comment upon the conduct of the House of Lords. Their votes were upon record, and from these votes it appeared that they had twice rejected the Catholic bill, although passed by a majority of that House. Even if there had been any severity exercised by his learned friend in the remarks which he had that evening thrown out, they were, in his opinion, perfectly justified by the uncourteous language in which certain noble lords in the other House (in pursuance, he had no doubt, with what they imagined their duty) had chosen to speak of the conduct of the House of Commons.

Sir *R. H. Inglis* rose, to correct a mistake of his on a former night; not that his own experience led him into an error, when he stated that no place of worship was granted to the Protestants at Rome, but a right hon. friend had since informed him, that permission was granted within the last year. He disapproved of the allusion of the hon. and learned gentleman to a noble lord in another place, and he put it to him whether it was consistent with common sense or good feeling to make allusions to a noble lord in his absence.

Mr. *Brougham* said, that he quite agreed with his hon. friend, the member for Limerick, in the constitutional view he had taken of their right to allude to what occurred in another place. But even that House had been treated cavalierly and disrespectfully by the other House; at which he confessed that he felt much pain as one of its members. The hon. baronet charged him with an attack upon a noble lord in his absence, and he did it precisely because he was not in that House. Besides that noble lord was not only a member of the House of Peers, but he was the lord chancellor, and a minister of state; a minister, by the way, who was paid twenty-thousand pounds a-year for bearing with these attacks. Was not lord Liverpool, or any other member of the government to be attacked, because he was absent and could not be in that House, if his conduct deserved it? He would put it to the hon. baronet if, in his experience, he had ever committed a greater blunder than in saying that a noble lord ought not to be attacked because he was absent?

Mr. *Peel* said, it so happened that he did not hear a word of the speech of the learned gentleman, and he only inferred what it was from the allusions of the hon. baronet who last spoke, and the hon. member for Somersetshire. He was not sorry that he had not been present, because he should have been sorry to have been provoked to say any thing which could add to the disappointment which was likely to be produced by the vote of last night. But he must say, that if any of his colleagues with whom he was bound in friendship, as well as by the ties of office, were attacked in his presence, he should vindicate them from the charge.

Ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, May 19.

QUARANTINE LAWS BILL.] On the order of the day for bringing up the report on the above bill being read,

Sir *I. Coffin* said, he felt it his duty to make a few observations on the present occasion. He could, from his own personal observations, state, that the plague was contagious. When he was at Malta, the disease was brought to Valetta by a shoemaker through the medium of some leather. The man died, and so did the family with whom he resided. The disease was soon pronounced to be the plague, and spread rapidly; and had it not been for the precautions adopted by sir Thomas Maitland and the other English officers on the spot, he did not doubt that all the inhabitants would have perished. A cordon sanitaire was drawn round Valetta, and every person who attempted to pass it was shot. The disease was at length subdued, after five thousand of the inhabitants had been carried off. It was next conveyed to the island of Goza, in the clothes of some of the persons who died at Valetta, and six hundred people were destroyed in the island. Whatever might be the difference of opinion in England with respect to the doctrine of contagion, he could assure the House, that in those countries where the plague had most frequently appeared, there was but one opinion on the subject. From Goza the disease was conveyed to Corfu by means of a skein of cotton, which was carried thither by a young lady, who perished with all her family. At Tunis, Tripoli, and Algiers, it was the custom of the Franks, as Christians were there called, the moment the plague made its appearance, to shut themselves up in their houses, to receive their food on the roofs, and to eat only stale bread; for new bread had the faculty of conveying the disease. In consequence of taking these precautions there was scarcely an instance of a Frank falling a victim to the plague. A ship sailed every year from Alexandria to Algiers, laden with the clothes of those who had died of the plague; and thus the disease was continually renewed. We were in the habit of importing a great quantity of cotton from the Delta; and if the plague should prevail at that place, he had no doubt that it would be brought into this country. All articles coming from the Delta ought to be scrupulously examined. A writer, he perceived, had lately maintained, that the plague was not contagious. This could only be some hyperborean philosopher with a hide like a rhinoceros. It had likewise been stated, that the plague had never been introduced into England. That was not correct. The plague had prevailed in England four different times, and 168,000 people had been carried off by it.

Lord *Belgrave* said, that to prove that the plague was contagious, no more was necessary than to refer to the case of Dr. M'Lean, who went to Constantinople to endeavour to ascertain the fact. He expressed a desire to be placed where the disease was raging most. His wish was complied with, and the consequence was, that he caught the plague, though it did not end in his death. It was really astonishing that members of that House should contend that the disease was not contagious. If any proof were wanting to show the fallacy of that opinion, it might be found in what the gallant officer had stated with respect to the conduct of the Franks in the countries of the East. The instant the plague appeared, they closed their doors, subjected all their food to the process of fumigation, and shot their cats; for it was known that those animals could convey the disease. Having taken these precautionary measures, it never happened that they were affected by the disease. The Mahometans, on the other hand, who considered the plague to be a sacred disease—who were told by their religion, that if they perished by it, they would be received at once into the bosom of Mahomet, or what perhaps they would rather prefer, would be permitted to enjoy everlasting fruition in the arms of the houris, took no precautions against catching the disease, and were therefore carried off by thousands. He knew a respectable merchant connected with the Levant Company, who expected, by the operation of the bill, to put into his pocket about 4,000*l.* or 5,000*l.*; but, much to his credit, he had publicly stated that he should do so with regret, because he considered it as the price of blood. The difficulties which we should experience in our export trade, in consequence of passing the bill, would more than counterbalance any advantage which might result from it to the import trade. In Marseilles and Leghorn, England was already considered an infected country; and our ships were not allowed to land their cargoes until they had waited a considerable time. This, no doubt, would be productive of great inconvenience to our merchants. He could not imagine what object the right hon. gentleman could have in bringing in the bill. He had turned the matter over in his mind, and at length he had hit upon the object which the right hon. gentleman had in contemplation. He must intend to establish a joint-stock company for the purpose of extending the burying grounds. He entreated the House to consider the subject well. He trusted that honourable members would oppose the measure; and, like the ancient prophet in the wilderness, "stand between the dead and the living, and stay the plague."

Mr. *Bernal* cautioned the House against hastily adopting any measure upon so serious and important a subject.

Mr. *Charles Grant* said, that the bill, properly looked at, was open to none of the objections which had been taken to it. The committee of foreign trade had sat last year on the subject of the Quarantine laws. Having received a variety of complaints as to the difficulty and impediment which those laws placed in the way of our commerce, the committee had applied themselves to consider, not whether the plague was or was not contagious, but whether, assuming it to be contagious, any part of the existing restrictions could be dispensed with without danger. He wished that hon. gentlemen had read the report of that committee before they made up their minds on the subject; for the committee had actually set out by assuming, that the plague was contagious, and had refused even to examine any evidence to the contrary effect. It was the opinion of sir Gilbert Blane, and of several other physicians, decided advocates for the theory of contagion, that, admitting the plague to be contagious, all the provisions of the present bill might be carried into effect with perfect safety. The effect of the bill had been entirely misunderstood by those who opposed it. It did nothing more than go on the principle of the plague being contagious; merely relaxing those parts of the former law which its most strenuous supporters thought consistent with safety. Indeed, he did not think that the House would be justified in proceeding one step further.

Lord *Belgrave* said, he did not mean to oppose the bill. His object was to protest against the opinion which prevailed both in and out of the House, that the plague was not contagious.

Mr. *John Smith* said, that, as far as this bill went, it had his entire concurrence. The fact was, that the Levant trade, which was very considerable, could not be carried on, unless the tiresome and vexatious regulations of the Quarantine laws were, in some degree, relaxed. After what had been said by the right hon. gentleman, he should not argue the question of contagion; but he could not sit down without saying that his conviction of the non-contagious nature of the plague was undiminished.

Mr. *Trant* was decidedly of opinion, that precautions against the plague could not be disused without exposing the country to the consequences of a most frightful experiment. It had been said, that the plague never passed beyond certain boundaries; but he could contradict that, by stating, that the plague travelled into Arabia, which was near the Red Sea, and into Upper Egypt.

The report was then received.

SALMON FISHERY BILL.] Mr. Kennedy moved the second reading of this bill.

Mr. *Abercromby* requested his hon. friend to postpone this bill to the next session, as from the high interest which it excited, particularly in Ireland, it was not likely to give satisfaction if it appeared to be a measure which had not undergone the most mature consideration. In the interval before next session, gentlemen would have more opportunities of considering the evidence which had been taken before the committee.

Mr. *Hutchinson* concurred in recommending the postponement, on account of the local interests in Ireland involved in the measure.

Mr. *Kennedy* said, he could not withstand the appeal made to him, although he had hoped to be able to carry the bill through this session. It had been already two years before the House.

Mr. *C. Grant* eulogized the exertions of the hon. member upon a subject which certainly required some legislation; but expressed his doubts whether he could could carry the bill through during the present session.

Mr. *Kennedy* said, he was desirous that the blanks should be filled up in the committee, to make the measure as intelligible as possible.

The bill was then committed, pro forma. The report was received, and ordered to be taken into further consideration on that day three months.

HOUSE OF COMMONS.

Friday, May 20.

LEITH DOCKS BILL.] Sir G. Clerk having moved the order of the day for the further consideration of the report of this bill,

Lord *A. Hamilton* said, that owing to the importance of this measure, as well on account of its principle as for the pecuniary interests which were involved in it, it called for the serious consideration of the House. The greater part of the inhabitants of Edinburgh and Leith were opposed to it, and for his own part, although he would not move the rejection of the bill himself, he would vote in favour of that motion if it should be made. The port of Leith, which was, in fact, a part of Edinburgh, had been put up to sale by the corporation of Edinburgh, and had been bid for and bought by a joint-stock company, who had not the slightest local connexion or interest with Scotland. This transaction was not only illegal in itself, but a large debt was due from the docks, 265,000*l.*, which was the subject of a trial now pending. The House had always guarded against interfering, by an act of the legislature, with the administration of the law by the proper tribunals; and yet this it must do, if the present bill were entertained. He hoped this consideration would have its proper weight with the lord Advocate; who, however, friendly he might be to this bill, was, he trusted, not less friendly to the observance of the law of the land. Although he had not read the whole of the evidence, he was sufficiently acquainted with the facts of the case to justify him in saying, that this was the most objectionable measure, and brought forward by the most objectionable parties, that he had ever known, and that he trusted the House would reject it.

The *Lord-Advocate*, without entering into the merits of the case, for which this was not a proper opportunity, disclaimed any of the responsibility which the noble lord would cast upon him for any part he had taken in this measure.

Mr. *Hume* wished to know how far ministers were responsible for this measure, which they seemed to have taken under their patronage. It was one of the most shameful and barefaced jobs that had ever been brought before the House. He wished, if the ministers had been in the House, to know distinctly whether lord Melville had not promised the sanction of the government to the measure. On the part of those who sent him to parliament, and on that of the whole community of Scotland, he protested against its further progress. He contended, that the corporation, as trustees, had violated the trust which had been reposed in them for the public benefit, by making sale of this right to themselves. Instead of borrowing the money they wanted at 4 per cent., they had bargained to secure to themselves a dividend of 6½ per cent. for ever. It was a fact which could not be denied, that some members of the town council had sold their shares at a premium of 15 per cent. He was sure the lord chancellor would declare such a transaction to be illegal. His objections to the bill were insuperable; and he called on the House to reject it on these two grounds: first, because it imposed a burthen upon the trade of Leith; and secondly, because actions were pending to decide whether the magistrates had acted legally. The proceeding had already caused much mischief, and received the reprobation of the whole community, with the exception of those who had profited by it, and those were the members of the council.

Sir *G. Clerk* said, that the two honourable members who had opposed the measure had not attended the committee on the bill for a single day. It was not surprising, therefore, that they were ignorant of the measure, which was really deserving of the support of the House. The corporation of Edinburgh had acted throughout the transaction in the most fair and open manner. The real facts of the case were shortly these: some years ago the city of Edinburgh incurred a debt of 250,000*l.* in constructing some docks at Leith. The returns, in the way of dues, were by no means so great as had been anticipated, and the corporation were placed in a state of great embarrassment. Under these circumstances, it was proposed to sell their interest in the docks to a joint-stock company. This plan did not originate with the corporation, but with a merchant at Leith. At first, the shares were at a discount, because the speculation was considered a bad one; but they were afterwards taken up, owing to the favourable state of the money-market, induced by the declared intention of the bank of Edinburgh to lower its rate of interest, and ultimately bore a premium of 15 per cent. The transaction, he repeated, was an open and fair one. With respect to the bonus, it was evident that some must be held out to induce the company to enter into the transaction. The only question was, whether that bonus should be provided for by the corporation, or by the trade of Leith. It was determined that the latter would be the best course to be adopted. Six and a half was objected to as too high a rate of interest; but he thought it was as low as could fairly be expected, considering the risk which attended the speculation. He denied that government had taken up the question, with the intention of overpowering all opposition. In conclusion, he thought that the transaction had been most beneficial to the city of Edinburgh, and he trusted that the House would agree to the bill.

Mr. *J. P. Grant* said, that his opposition to this bill did not rest upon anything which had come out in the committee, but on the broad principle of law. The magistrates of Edinburgh, as trustees of the harbour of Leith, had, in violation of their duty, sold the trust property, and sold it, too, to themselves, and afterwards disposed of their interest on shares at a premium of 15 per cent. Such a proceeding would, he was certain, be declared illegal in the court of Chancery. It was a proceeding which came within the scope of the Bubble act, for the corporation had clearly speculated on the getting of an act of parliament to sanction their conduct. The community of Leith, and of every town on the Leith coast trading with that port, had petitioned against the bill. He therefore called upon the House to reject the unjust and iniquitous measure, and to protect the law of the country, and a portion of the community which was not represented in that House.

Mr. *W. Dundas* supported the bill, and said that the corporation of Edinburgh resorted to the bill only to provide for the excess of expenditure above the receipts of the harbour of Leith.

Lord *Glenorchy* protested against the manner in which these Scotch jobs were managed in the committes up stairs, which were, when a Scotch bill was the matter in question, generally composed altogether of Scotchmen.

Mr. *Abercromby* thought the question before the House a most important one. He had two objections to the bill. The first was, that it proposed to transfer the docks to an irresponsible body of persons, who had no interest in the prosperity of the trade of Leith. The second was, that the conduct of the magistrates could be defended on no principle of law or equity. They had entered into the transaction for their own benefit, and had been guilty of a gross breach of trust. No member could, in his opinion, vote for the bill, unless he was prepared to maintain, that persons acting as trustees had a right to sell the trust property for their own advantage.

Captain *Wemyss* said, he had attended the committee on the bill at every sitting, and could conscientiously declare, that a more gross job had never come under his knowledge.

Mr. *T. Wilson* said, he had heard enough to satisfy him that the corporation had acted most improperly. He would therefore vote against the bill.

Alderman *Wood* expressed his astonishment at the conduct of the magistracy.

The House divided: For the bill 15, Against it 41. Objection was taken by Mr. Hume, to the vote of sir John Marjoribanks, who voted with the Ayes, on account of his having a direct pecuniary interest in passing the bill. Sir John was heard in his place; and having allowed that he had a direct pecuniary interest in passing the bill, that on that account he had not voted in the committee on the bill, and that he had voted in this instance through inadvertence, his vote was disallowed; and the numbers were declared by the Speaker, to be Ayes 14, Noes 41. The bill was consequently lost.

FORGERY OF A PETITION FROM BALLINASLOE—BREACH OF PRIVILEGE.] Mr. Vesey Fitzgerald brought up the report of the committee on the Ballinasloe Petition. This was the case of a petition presented by sir John Newport on the 17th of March, in favour of the Catholic Claims, and purporting to be signed by a number of persons at Ballinasloe. Subsequently it was discovered that the document was a forgery, got up by a person named Robert Poer French Pilkington; and the persons at Ballinasloe whose names had been subscribed to it, presented a true petition, praying that the House would take the fraud into consideration. The Report of the committee was as follows: "The Committee to whom the petition of the inhabitants of Ballinasloe, and of the parishes of Creagh and Kilclooney, complaining of the forgeries of their names to a petition in favour of the Roman Catholic claims, was referred to examine the matter thereof, and to inquire into the circumstances under which a paper, professing to be a petition from the Protestant parishioners of the town of Ballinasloe and the united parishes of Kilclooney and Creagh, was presented to this House on the 17th of

March last, and report the same, with their observations thereupon to the House, have called before them, and proceeded to examine Mr. Robert Poer French Pilkington, who has confessed himself to be the sole author of the said pretended petition. He has further stated, that he affixed the signatures thereto annexed, without the privity or knowledge of any of those individuals whose names appear as subscribed to the same; and that such paper, so professing to be a petition to the House of Commons, was by him forwarded to a member of this House, accompanied by a copy of certain resolutions stated to have been adopted at a public meeting, which resolutions he has also admitted to have been fabricated by him. Your committee is of opinion, that the said Robert Poer French Pilkington, has, in what he has urged before them stated nothing which can be received in extenuation of his conduct, and have to report the same to the House."

Mr. Secretary *Peel* said, it was an unpleasant duty to recommend any measure of severity; but the proof of the fact was so clear, and the offence of so heavy a description, that he felt himself compelled to move that Mr. Pilkington be committed to Newgate.

Mr. *Brougham*, wishing, in every case of breach of privilege, to act in such a way as would secure unanimous concurrence, was desirous that Mr. Pilkington should be called in, and that the House might hear what he had to say.

Mr. *Peel* had no objection to that course, but doubted if it would be quite regular. The offender had admitted the fraud in the inquiry before the committee, and offered nothing in extenuation of it.

The *Speaker* thought it right to call the attention of the House to the precedent which he found existing on the subject. In the year 1736, a bill being pending in the House touching some duties upon spirituous liquors, it was complained, that a pamphlet had been published out of doors setting forth the provisions of that bill, and commenting upon it. A committee was appointed to examine, which discovered, from the evidence of witnesses, that this pamphlet had been published by a certain servant named Abraham Riley, from the house of a printer named Wm. Rayner. On this report from the committee, the House resolved nem. con. that W. Rayner and Abraham Riley be taken into custody of the Serjeant-at-Arms. W. Rayner being examined and the pamphlet shown to him, admitted, that it had been printed at his house, but by his servant, and without his knowledge.

Mr. *Brougham* was rather unwilling to take up, in the way of precedent, a case which turned upon that very severe law, as to the liability of printers. No doubt the law was clear; but it was hard that a man should be answerable for that which his servant might do when he was a hundred miles off, or in gaol. And, besides, the cases were different, for the House had only committed Rayner to the custody of the Sergeant-at-arms without hearing him; it was now meant to send Mr. Pilkington to Newgate.

Mr. *V. Fitzgerald* observed, that the offender had been heard already before the committee, and that he had nothing to say in his defence.

Mr. *Brougham* admitted that the examination before the committee rendered a hearing by the House less imperative, but was still anxious that it should be afforded.

The *Speaker* said, he understood the case to stand thus—the House had acted upon the report of the committee as to the establishment of the offence; it was now a question as to the nature of the punishment; and upon that the party was to be heard in extenuation.

Mr. *Peel* had no objection to calling in the offender; but thought it not right to press for a sort of apology, when an apology, without some punishment, could not be accepted.

The question for the commitment to Newgate was withdrawn. It was then put and carried—"That Robert Poer French Pilkington be taken into the cus- of the Sergeant-at-arms, in order to his being brought to the bar."

Juries Bill.] On the order of the day being read,

Mr. Secretary *Peel* said, that before the House went into the committee, he wished briefly to restate the principal objects of the Bill. The first object was, to consolidate the several statutes, about sixty in number, which were now in force, for regulating and determining the qualifications of jurors serving at Assizes. These, which were spread over the Statute-book, it was proposed to bring into one act, and also about twenty statutes on the subject of empanelling juries. Another object was, to extend very considerably the number of those who might be called upon to administer the law as jurors. A vast number who were not considered qualified as the law now stood, but who were really qualified by property, would be included. Thus all persons being leaseholders of property to the amount of 20*l.* for 21 years, would be considered qualified to act as jurors, instead of confining the qualifications, as at present, to those who had a freehold of 5*l.* a-year. Another object was, to remedy the inconvenience found in some cases, in which a challenge would hold good to the array, because there was not a knight among the number. This he thought a very useless, and it was often found a very inconvenient, enactment; he therefore proposed to repeal it. It was also intended to repeal that part of the present law which required, in many cases, that so many jurors should be returned from the same Hundred. He thought that justice was more likely to be administered with strict impartiality where men were chosen of different parts, than where they were selected from one particular district. But, the most important feature of the bill would be the regulation with respect to special jurors. It would henceforth be required, that in all cases where the Crown was either a real or a nominal plaintiff, the special jurors should be selected by ballot. In all criminal proceedings tried by special juries, the same regulations would be observed; but in civil cases where a consent in writing on both sides (which written consent should be afterwards received as evidence of the agreement between the parties), it would be allowed to select special juries, in the same manner as at present; but in criminal cases, the appointment of special juries by ballot would be imperative. These, he considered, would be important public advantages arising from the bill; for it was of the utmost consequence that a feeling of perfect security and confidence in the trial by jury should be established in the country.

Mr. *Scarlett* said, he should not do justice to his feelings if he did not offer the tribute of his sincere applause to the right hon. gentleman for the introduction of this most useful measure. It was of the utmost importance that the trial by jury should be made as perfect as possible. One of the greatest blessings resulting from the free constitution of this country was, that the people had, as jurors, the administration of the laws in their own hands, and were thus, in a great degree, the distributors of the punishment with which the infraction of those laws were visited. It would be very difficult for a private individual to carry a bill of this importance through the House, and therefore it became a liberal government to take it up. For the manner in which the arduous task had been undertaken by the right hon. gentleman, and the great labour and assiduity which he had evinced in bringing it to perfection, he thought too much praise could not be given. He could not say what its effects might be in every case, but certainly he anticipated very beneficial results from its enactment, and he would most readily contribute his best support to it in every way in his power.

Mr. Secretary *Peel* observed, that he felt great pleasure at the manner in which this measure had been received by the House. He had to acknowledge the cordiality with which it was met by honourable members on both sides, without any reference to party feelings. The alteration proposed would, he felt persuaded, be productive of good effects to the country. There were, besides those to which the bill related, other points connected with the administration of justice, which he thought would bear to be calmly inquired into; and with the encouragement he had already received, he hoped at no distant period to bring them under the consideration of parliament.

Mr. *Brougham*, after enumerating the objects of the bill, observed, that that part which went to alter the present mode of selecting special juries, more particularly in Crown cases, was most important, and would produce the best results; for, let the selection be made with the most scrupulous impartiality, it would still leave a suspicion not favourable to the due administration of justice. No matter who was the officer who might select, it would be looked upon, in some degree, as a selection under some influence. Of the present excellent individual who so worthily filled the situation of Master of the Crown-office, Mr. Lushington, no man who knew him could ever harbour a suspicion of the slightest improper bias in the discharge of his duty; but still the selection by any public officer would not give such satisfaction as that proposed by the bill. Indeed, when this subject was first mooted about three years ago, the Master of the Crown-office had declared, that whatever benefit the proposed alteration might give to the country, there was no person to whom it would afford more sincere satisfaction than to himself. He hoped that the passing of this bill would be a useful lesson to those who were so wedded to things as they were as to be alarmed at the mention of any change.

The Bill was then committed.

JUDGES' SALARIES.] On the order of the day for receiving the report on the resolutions relative to the Judges' Salaries,

The *Chancellor of the Exchequer*, in moving that this report be now received, took occasion to notice certain observations that had been made on a former evening, respecting the proposed increase to the salary of the judges. Understanding it to be the wish of the House that the retired allowance of the puisne judges should be reconsidered, he had devoted his attention to that point, and it had naturally led to a modification of the full salaries. His object in proposing 6,000*l.* a-year to the puisne judges, without any proportionate increase of the retiring incomes was twofold: first, to induce younger men of eminence in the profession to undertake such offices; and secondly, to make the income such as would be worth the acceptance of men of great prospects in the profession—neither of which considerations had been, he thought, sufficiently attended to in the existing state of things. He had also considered the subject of translating judges from one court to another, but had not come to any fixed conclusion upon it; for, though he thought it a highly prejudicial principle, that promotion on the bench should be made a reward for the discharge of particular duties in that high station, yet he felt it would be going too far to say that in no case should it be competent for the government to make such promotion. With respect to the retiring allowances, and the consequent modification of the full salary, what he meant to propose was this—to deduct 500*l.* a-year from the original proposition of 6,000*l.* a-year to the puisne judges, and to add the 500*l.* so deducted to the retiring allowance of 2,300*l.* a-year; so that the full salary would be 5,500*l.* a-year, and the retiring one 2,800*l.* This arrangement could not, he thought, be reduced without compromising the double object of securing men for the office at an earlier period of life, and of that class of eminence which the duties of the bench required. The question of the retired allowances could not be regularly modified, on the bringing up of this report, but he would propose it on a re-committal of the particular resolution which embraced that branch of the subject.

Mr. *Scarlett* said, that he would, on grounds of delicacy, refrain now, as he had done on a former occasion, from pronouncing any opinion as to the amount of salary of the puisne judges, but he could not forbear from noticing the proposed arrangement for retiring allowances. Now, he thought, when they considered how seldom such retirements were called for, —he hardly remembered more than two together in his time—that that branch of the consideration was of far less consequence than the settlement of the full salary. If a judge, then, were to receive 5,500*l.* a-year while on the bench, he must say, that 2,800*l.* a-year appeared to him too little, in comparison, for a retiring allowance, and hardly enough to enable the individual to maintain that station in society, which his previous office required, and which the connexions and situation of its duties must, in a great degree, still entail upon him, though he had ceased to perform the functions of a judge. The effect, then, of being too economical in the retired allowance, might be detrimental to the public service, by compelling a judge to remain longer in office than his health and faculties warranted. He remembered, indeed, an instance of this. The late baron Wood, who was an excellent judge, a profound lawyer, and a person of great sagacity, at a very advanced age retired from the northern circuit; and instead of quitting the profession altogether, was offered the seat in the court of Exchequer, which he could not, under the circumstances, well refuse. The consequence was, however, ultimately painful; for the baron's infirmities grew upon him so fast, as to render it most unpleasant to himself, to the bar, and to the public, to have the administration of justice conducted by him; he having at length lost one eye and the use of both ears. This would not have happened if the retiring pension had been adequate. To remedy such defect, he thought the retiring allowance ought to be 3,500*l*, a-year, to bear any fair proportion with the full salary of 5,500*l.* It ought to be remembered that a judge could not retire when he pleased—The government had always the option of requiring his full services, as long as it was obvious that he was capable of performing them. Another consideration struck him as entitled to notice—one which, if carried into effect, would, he had no doubt, be alike pleasing to the judge and useful to the public—he meant the employment of the judges in a particular manner, even when they had retired, namely, in the privy council. See the duties which devolved upon that body! The subject at home had all the different courts of appeal open to him from one decision to another; but not so the subject in the British colonies, who had only the privy council to appeal to, and the judgment there was final. Of what importance, then, was it, that the privy council should be so composed, as to be enabled to adjudicate with legal precision and perspicuity? He had known, in times gone by, the greatest ruin to attend precipitate decisions of the council. How, indeed, could it be otherwise, when the members were persons, however acute upon other matters, whose minds were not in the daily habit of discriminating in technical matters of nice legal construction, and of bringing that particular knowledge and professional experience into the consideration which the case essentially required. He knew that this cause of complaint did not always arise; for while sir William Grant attended the privy council, they were sure of the aid of a lawyer of the most perfect constitution, both by nature and education, that it was possible to form of man—one of the greatest and most upright characters that ever adorned the bench. But the public had not always the aid of his great knowledge and talents; for, at the time when sir W. Grant for some reason was absent from the privy council, he (Mr. Scarlett) and sir Samuel Romilly had on one occasion to attend there; and he recollected that seven appeals were at that time decided quite contrary to the way which all the lawyers present thought they should have been. Now, would it not be well to call upon retired judges to assist on these occasions, by making them members of the council? The labour would be much less than that on the bench, and the duty such as a retired judge could generally discharge without oppressive fatigue. In this view he wished to be liberal in the retired allowances. He was anxious to have the resolution reconsidered, which went, in his opinion, to rob the chief justice of a part of his income, to create a fund out of which to pay the puisne judges. When could he propose such a reconsideration?

The *Chancellor of the Exchequer* doubted whether it was competent, as the question stood before the House, to propose the increase of any particular salary, though a reduction was practicable. He was, however, anxious that the hon. and learned gentleman should have the opponity he required, although he retained his original opinion respecting the salary of the chief justice.

The *Speaker* said, that no alteration by way of increase of salary could be proposed in this stage of their proceedings.

The report was brought up. On the first resolution being read,

Mr. *Brougham* rose to bring forward the subject of which he had given notice, respecting the proposed arrangement of the salaries, and the translation of the judges from one judicial office to another —in fact, to re-open the whole question. He agreed, without a single exception, in all that had just fallen from his hon. and learned friend, whose great experience, varied opportunities, and profound knowledge upon such matters, justly entitled him to great weight in this discussion. It was, he could assure the House, the universal opinion at the bar, that the retiring salaries of the judges ought to bear a nearer proportion to their full emoluments. He was therefore one of those who thought the proposed scale was a bad one, and particularly as it respected the arrangement for the chief justice, who was to give up so much valuable patronage for so inadequate a compensation as 800*l.* additional a-year. There was no comparison between the duties of the chief and puisne judges; and it was of the utmost importance that the former should be so placed, from the dignity of his station, in a capacity to exercise that proper sway which the due discharge of business required, and which could not be practically effected, if the four sitting judges were to be nearly of co-ordinate influence. Every man conversant in the business of the courts must be aware how useful it was, that the chief should be invested with extrinsic and intrinsic authority, so as to keep a proper sway over the proceedings of the courts. The fact was, that in any court where business must be done, a great deal depended on the lead which should be taken by the chief judge. Whatever was done, therefore, in diminishing the emoluments of the chief justice, must, pro tanto diminish that sway as compared with that of the puisne judges, with which it was for the good working of the business of the court that he should be clothed. Besides, a chief justice had, as he had already stated, a quantity of business peculiar to himself, beyond all comparison greater than the other judges. Let them only remember how it stood in lord Ellenborough's time, when, on one occasion, he had to dispose of a Guildhall paper, containing 588 causes; and which he did to the astonishment and admiration of the profession. The business was not now so great as it was then, but still it was five times greater than in the time of lord Mansfield; the proportion was as 60 to 350. When he spoke of the superior and heavier duties which devolved upon the chief justice, he begged not to be considered as disparaging the puisne judges, many of whom (particularly those in the Court of King's-bench) he had known at the bar; and more learned and virtuous men he did not belive existed; he wished merely, when he alluded to them, to speak of the comparison of labour in the courts. The puisne judges had the whole adjournment from the 28th of November till the 23rd of January. The chiefs, it was true, did not go to the spring circuits; but then they had their Nisi Prius sittings from nine o'clock every morning until four, the constant taking down of evidence which was so much more laborious than merely hearing arguments at the bar—this business, of what Mr. Bentham would call "single-seated justice," fell heavily and laboriously upon them, and the chief had always the great responsibility of despatching it. As a proof of the superior sway which attached to the chief justice in proceeding with business, he remembered that, shortly before lord Ellenborough retired, one or two of the puisne judges were in the habit of sitting for him by turns, at nisi prius; but, vexed one morning at the accumulating arrear of business, his lordship, as if by a sudden illumination which was to shine out before his mental light became eclipsed for ever, resumed his place in court, and swept away, in the course of that single sitting, seventeen causes, which stood in the way of the regular and quick dispatch of business. It was this consideration of the value and the great additional labour of the chief judge, which induced him to say that 800*l.* a-year additional was no compensation for the office—no remuneration for the proposed transfer of its patronage containing, among others, two offices which sold for 20,000*l.*: and therefore he complained.—His next objection to the scale was regarding the vice-chancellor—an office now filled by sir John Leach, than whom, there was not in the profession a more learned ornament. The lord chancellor was, of course, a learned man—a very learned man, he must be deemed the most learned of the lawyers; but still, the value of all these acquirements must be measured by their public utility, and that almost entirely consisted in their application to the despatch of business. It was there that the vice-chancellor shone conspicuous; for he did nothing else but decide causes. He sat in his court, not from eleven till two o'clock, but from ten to four. Ay, and he used to come down while suffering excruciating torments, and when his physician said that he was fitter for his bed than for the bench; nevertheless, the vice-chancellor was in his court, despatching business. He was, therefore, to all intents and purposes, a judge, if the person deserved that name who was really a judger. He knew many who thought so, and who would rather run the risk of having their causes hastily decided before the vice-chancellor, than never have them decided at all elsewhere. And yet, this was the judge whose salary in the scale was to bear no adequate proportion to that of others in the same line of rank. God wot! where was the comparison of giving 7,000*l.* a-year to the Master of the Rolls, and 8,000*l.* a-year to the chief baron? The business of the Master of the Rolls was nothing compared with the vice-chancellor's, who had the Court of Chancery business in fact to perform. This scale, therefore was wrong, and must be altered. He also thought that the salary of 8,000*l.* a-year for the chief justice of the Common Pleas trod too closely upon that of the chief of the Court of King's-bench, who was chief justice of all England. As to the salary of the puisne judges—and he spoke it in a place from which his expressions would in a few hours be conveyed to the bench—he thought the proposed scale too high, and that they would be well and truly paid with 5,000*l.* a year. When he said this, the House must feel that he gave a disinterested opinion; for it was not pleasant to speak in reduction of the incomes of those in whose presence he must spend so much of his time, and with whom it was desirable for him professionally to hold a good understanding: still he must say, that 6,000*l.* a-year was for them quite an extravagant remuneration; and he believed none were more surprised at it than the judges themselves. The whole bar in Westminster-hall were in one ferment of astonishment at the proposition on the morning after it was made. They naturally compared the emolument and the duties with those of other offices. There was the Speaker, the first commoner in England, an office of great responsibility and heavy labour, attended with very great expense admirably sustained at present, as all must know who partook of the dignified and splendid hospitality of the Speaker's mansion; and yet his salary was only 6,000*l.* a-year. Now, what comparison was there between his necessary expenditure, and that of a puisne judge who had only the circuit expense to maintain? Then there was the office of Secretary of State for the Foreign Department, who had to maintain the national hospitality on a suitable scale, in the presence of foreigners of rank—who had his household expenditure also swelled by the nearly constant maintenance of messengers—who, besides, had no house provided for him; and indeed whose business consisted of no sinecure; for he had to listen to the ambitious pretensions of the Holy Alliance, to fence off all their meditated attacks upon public liberty, in the best way he could—and he had no doubt it required all his great ingenuity to do so—to make excuses of all kinds for them, both in and out of that House—to correspond back and forwards with these good people—to tell them that to attempt to assist in some of their projects would be just as much as his head was worth. Then to manage matters in debate in parliament: and all this for 6,000*l.* a-year! The puisne judges were only plagued all day with the lawyers, but the Foreign Secretary was plagued with them all night—not so satisfactorily indeed for either party, for the lawyers had often a chance of gaining a cause by day, but they had little or none when they grappled with the right hon. gentleman in that House by night. On the whole, he thought 5,000*l.* a-year was quite enough for the puisne judges. He would propose, then, to lop off 500*l.* from the resolution of 5,500*l.* a-year, and he had no doubt he should have the support of his hon. and learned friend near him.

Mr. *Scarlett*.—"No, indeed, you shall not." [a laugh].

Mr. *Brougham*—Well, then, he must do it himself. Let him not be told of the refusal of professional gentlemen to ascend to the bench for such a salary. It was easy for a lawyer to say, "I would not take it;" but there were two ways of making the offer, which reminded him of an observation of a humorous friend, who was also of the profession, who had said, that it was one thing to ask a man to take a dram when the bottle was on the table before him, and another to say "Sir, will you allow me to send to the cellar for a flask to refresh you?" A man who refused the dram in the latter case would be very apt to take it if he saw it before him. To speak seriously, it was the most idle pretence to say that the profession of the law would generally, or even commonly speaking, refuse the bench, even at the present rate of remunerating the puisne judges. He knew of no such refusal. Judge Buller had been raised to the bench at a very early age, before he had had any time to make a fortune by private practice at the bar. He had been created a judge, he believed, at the age of thirty-two, and had, nevertheless, contrived to accumulate a very large fortune in his office. He felt convinced that a salary of 5,000*l.* a-year was amply sufficient to command the most eminent talents of the bar.—He would now embrace a still more important part of the subject, not the salaries, but the independence of the judges. His late majesty had commenced his reign by formally declaring to the House, that "I look upon the independence and permanence of the judges of the land as essential to the impartial administration of justice, and as one of the best securities to the rights and liberties of the subject, and as most conducive to the honour of the Crown; and I recommend this to the consideration of parliament, for the purpose of making a provision to give them the secure enjoyment of their commissions during their lives and their good behaviour in their offices." Blackstone, in his Commentaries, had greatly misrepresented this. He had stated, that the late king had, by this declaration, made the judges independent of the Crown; and the inference was, that he was deserving of the gratitude of the people. Now, it was as well, in such a case, to speak the truth; and the facts of the case were, that it was William the third who made the judges independent of the Crown; the late king did nothing but secure the judges from removal from office at the demise of the Crown. Lord Hardwicke had more accurately stated, that the great hero of the Revolution had auspiciously protected the liberties of the country, by laying the foundation of the independence of the judges, and that his late majesty had found out the only thing that remained to render them thoroughly independent; namely, the securing them from a removal from their offices on the demise of the Crown. Whatever had been the motive of this proceeding on the part of his late majesty, whatever was its principle, or its tendency to promote the object for which it was avowedly designed, he had no hesitation to say, that it was a perfect delusion upon the people, as long as the Crown pursued the practice of translating the judges from the lower to the higher seats upon the bench. Whatever might be the rate of salary paid the judges, or whatever might be the mode of remunerating them—whatever regulations might be adopted as to the permanency of their appointments—the independence of the bench must always be equivocal, if not nugatory, as long as the Crown exercised the power of promoting the judges. This looking up for promotion on the bench, as in the church, naturally tended to make men look rather to their maker, than to the public good. He would not say that within his time and experience he had seen any bad consequences arise from the ambition to obtain such promotion—he had certainly never seen it to operate among their criminal judges, he only spoke of them, and not of the office of chancellor, which being partly judicial, and partly political, must of course more expose the possessor to influence)—among them he certainly had never observed it. He could not, however, as an honest man, say that he had not sometimes seen a certain effect on some judges from particular bias—he admitted it to be rare, and unaccountable from peculiar circumstances—but generally the bench was admirably filled. Still, the Crown ought, for its own sake, to remove the sort of tendency to which he alluded, or the possibility of its existence. If they wished to preserve the purity of the judges in the public esteem, they ought to put them above suspicion. He foresaw the difficulty which would be opposed to his proposition, and the choice which would be left to him between the positive prohibition to translate a person of high merit in default of finding any candidate so competent, which might occur once in half a century, and the other danger which he dreaded, of constant translation. Between those two evils, he would elect the first. He did not wish to be driven to a legislative remedy. He rather chose to embrace, by a resolution of the House, the principle which had, in the very same manner, been adopted for the basis of that brilliant act of last reign, which professed in the preamble the same intention which he now held; namely, the securing the independence of the judges. The case of baron Eyre, who was promoted to be chief baron, and then chief justice of the Common Pleas, was, he believed, the only one of the kind up to that period. He would, he confessed, have less dread of the translation of a Master of the Rolls to the same office. In the latter case, the individual was not so likely to feel the conflict of interest and duty, as in the former. He would have no predispositions as to the questions of political libel—he would have no peculiar feelings acquired from judicial habits in administering the law of high treason—nor in any of the great questions which affected the interests of the Crown, the revenue, or the tithes. His wish was, however, to emancipate them altogether from any bias on their judgment, and from any suspicion of bias in the public mind. He did not recollect any other instance of this kind of translation up to the time of the Regency. But of late years the practice had increased, so that in thirteen years there had been no less than six or seven instances of judicial translation. This was enormous. The first of these cases was that of sir Vicary Gibbs, a man of very strong political character; and therefore, in ordinary calculation, liable, in a considerable degree, to the influence to which his observations referred; though, as he very willingly admitted, in practice a very pure, impartial, and enlightened judge. He was Attorney-general in very agitated times; then was made a puisne judge of the Common Pleas, and, after that, chief baron of the Exchequer; then chief justice of the Common Pleas; and he might have been chief justice of the King's-bench, but his infirmities grew upon him so fast, that he died in a year or so after his last promotion. The next case was that of baron Thompson, a truly venerable judge—[hear, hear]—no man more readily admitted his high qualities and judicial excellence, his eminence as a lawyer, and his amiable disposition. He was at first a master in Chancery, then a puisne baron of the Exchequer, then chief baron. And here he could not but observe how groundless were the fears of not being able to get proper men to accept those offices. A master in Chancery had one of the easiest and most lucrative situations under the Crown; and yet chief baron Thompson gave up all the delights and advantages of it, to go into the Exchequer, one of the dullest courts in the universe, to attend the Old Bailey, and to drudge upon the circuit; he having seen him upon the northern circuit in his turn for many years. At that time, too, the salaries were much less than at present. The next case was that of baron Richards, first solicitor-general, then puisne baron, then chief. Mr. Abbott the present chief justice, was a puisne judge. He admitted that no man more able, more perfectly competent in all respects, could have been chosen. Mr. Justice Dallas was the sixth case, and that of Mr. Justice Best was the seventh, and all in thirteen years. What had once been an anomaly, had now become a common practice; and that under an administration that laid claim to moral principles, and a regard to decorum. This was, indeed, reducing the bench of judges to the level of the bench of bishops; and a translation on the one bench might soon, politically speaking, be as well understood as a translation ever had been understood, upon the other. It was placing the duty and the interests of the judges in perpetual conflict—a situation in which human integrity had scarcely ever yet been found capable of resisting corruption. If judges were found pure under such circumstances the public would not believe them pure; and it was the paramount duty of every government, not only to keep the ermine unsullied, but unsuspected. Not long ago every chief in Westminster-hall had been promoted from an inferior judgeship. Every one of the arch-judges had been a common judge translated, as much as a matter of course as an arch bishop was made from a bishop. A system so foul, that mocked all public decency, could not do with men who had to confront the opinions of a watchful public, and a jealous bar. An extreme case might be supposed of a dearth of talents at the bar, and of a puisne judge, whose integrity and wisdom might render all men desirous of seeing him in the chief-justice seat. If the amendment which he was about to move, should exclude such a man from a translation to the higher judgment-seat, it would only prove the principle he advocated, to produce a case of an alternative between the general independence and integrity of the bench, and the exclusion, once in perhaps forty years, of a man from an office which he was so well able to fill. Of the two alternatives, who could hesitate which to choose? He protested that, throughout his speech, he had intended no personal application to any man; he had spoken theoretically, and upon what had long been acknowledged to be the fundamental principle of human nature. He wished to make the judges not only respectable, but respected. He should move an Amendment to the resolution, by inserting after the word "That" the words, "whereas it is expedient to secure the independence of the judges, by adequate salaries;—And whereas it is inexpedient, and injurious to that independence, to promote Puisne judges to the station of Chief justice or Chief Baron, Chancellor, or Master of the Rolls, or Vice-chancellor."

The *Attorney-General* said, he had listened attentively to the arguments urged by his hon. and learned friend, and the conclusion to which he had come was, that it would be highly inexpedient to adopt the resolution just read from the chair. There had been adduced no instance, either in the past or the present age, which would justify the adoption of such a resolution. It must be in the recollection of the House, that the act alluded to by his hon. and learned friend had been passed in the reign of the late king, and had for its object the establishment for the independence of the judges with a view to the impartial adminstration of justice, and also for the purpose of impressing upon the minds of the people at large a feeling that justice would be duly and equally administered. But it did not appear to him that the resolution of his hon. friend was at all necessary to the advancement either of the one or the other object. If any established rule was to be laid down with respect to the judges, it ought to be done by a specific act of the legislature, and not by a resolution of that House alone. His hon. and learned friend, however, appeared inclined to do at once, by a sweeping resolution, that which, if necessary at all, it was the duty of the legislature to accomplish. If it should appear necessary to the purity of the bench, that a gentleman once appointed a puisne judge should never be promoted to a chief justiceship, let it be so declared by act of parliament. His hon. and learned friend did not wish to remove altogether the discretion of the Crown in appointing puisne judges to chief-justiceships, but only wished it to be limited to certain extraordinary occasions. In this he could not agree. If the prerogative of the Crown was to be exercised at all, it ought to be exercised freely and without any restriction. If his hon. and learned friend could point out any abuse which had grown out of the exercise of that prerogative, then he would have some tangible ground for his resolution. No such thing, however, had he done. He had, it was true, stated that in modern times elevations from puisne judgeships to chief justiceships were much more frequent than formerly; and he had alluded in particular to the late promotion of the late chief justice of the court of King's-bench [Mr. Brougham said "No" across the table]. He understood him to say that the appointment had not been offered to the then Attorney-general [Mr. Brougham said, he had made no such assertion]. Then he would put it to his hon. and learned friend, whether, if the appointment were offered to the then Attorney-general, and that he, through an infirmity, was obliged to refuse it, and if the Solicitor-general were at the time too young for such a situation, a more judicious selection could have been made than in the appointment of the present lord chief justice [hear, hear!]? Again, he came to the chief justice of the Common Pleas. He contented himself with saying, that there were particular reasons for promoting the late chief justice Dallas. The appointment was offered to the Attorney-general, and he refused it; judge Dallas accepted the office, and filled it with high credit to himself, and great advantage to the country. His hon. and learned friend, in his zeal for one part of the question, seemed totally to forget another. If it was desirable to preserve the purity of the puisne judges, a fortiori, it was desirable to preserve the purity of the chief justices. Let the House look to what had been the history of the bench from the period of lord Coke down to the present time. That learned judge was at one time chief justice of the Common Pleas, and was afterwards promoted to the chief justiceship of the court of King's-bench. He would next allude to another learned judge—one who was the brightest ornament of his profession—he meant sir Matthew Hale. He was originally a puisne judge, and was subsequently made chief justice. Lord Hardwicke was made chief justice of the court of King's-bench, and was afterwards made lord chancellor. Lord Camden was chief justice of the Common Pleas, and was also promoted to the lord chancellorship. There was also the case of lord King; but, without going more into detail, he might fairly assert, that the greater number of the chief justiceships were filled up from the bench of puisne judges. It might be, that since 1810, from accidental circumstances, there had been a greater number of such preferments than before; but, the principle upon which they were regulated was the same; and certainly, if it was culpable to promote a puisne judge to a chief justiceship, it was still more culpable to promote a chief justice to the office of lord chancellor; as that was a situation which involved many great national and political subjects. Lord Kenyon had been puisne judge long before he became chief justice [a cry of "no, no"]. He begged pardon, but such was the fact; he had been for some time chief justice of Chester. But to come to the main argument, he would ask where and by whom the line was to be drawn? Was it to be drawn by individuals; or by a vote of that House; or were they to intrust the discretion to the Crown, subject of course to the control of parliament in the event of any abuse? His hon. and learned friend, instead of pointing out any abuse hitherto, agreed that all the judicial appointments had been filled up by men of learning and talent, and character. If he understood his hon. and learned friend's argument, it amounted in point of fact to this—either the puisne judges ought to be eligible to preferment, or they ought not. If, however, as he admitted, the Crown was to have a right to give preferment in certain cases, then the discretion of the Crown ought to be free and unfettered. But, if the right of the Crown to prefer was to be restricted in every case, it ought to be by a specific enactment of the legislature to that effect, and not by a resolution of the House of Commons alone. He did not feel called upon to go more at length into the arguments urged by his hon. and learned friend, but should conclude with observing, that his resolution was extravagant, inexpedient, and altogether uncalled for.

Mr. *Scarlett* said, he could not reconcile the inconsistency of his right hon. and learned friend in saying that there ought to be no resolution, with the conduct of the chancellor of the Exchequer in proposing a resolution. If it were inexpedient, then why was any resolution proposed? He could perfectly understand the design of his hon. and learned friend near him, who wished to propose the sentiment of the House (and which he must take leave to say was that of the public generally) in a way which would hand it down to posterity for the guidance of their conduct. But he invited his right hon. and learned friend to consider the effect of what he had uttered. He allowed no qualification whatever: he declared every resolution of the kind to be unwise and inexpedient. Again, let him only remark the inconvenience of intrenching himself behind individual cases. How was it possible for his opponents to argue with him while he remained in such perfect safety? They took general and abstract grounds, to which the right hon. and learned gentleman without any reasoning upon them at all, opposed individual circumstances. Of course there could be no argument on those terms. Suppose he were to take up the statements of the right hon. and learned gentleman and put a particular case. In the time in which Mr. Garrow was Attorney-general there were no less than three vacancies—two as chief baron, and one as chief justice of the Common Pleas. Were either of these offices tendered to Mr. Garrow? Was he not a man of eloquence equal to any man—of consummate talent in his profession—of high legal attainments? What objection could there have been to his appointment? Would it be pretended that he was like some other great men who had preferred ease and retirement? The fact was the other way. He solicited and obtained the situation of puisne judge. It was impossible to offer an objection to his appointment; and yet three chief judgeships were vacant, and not one was offered to him. It could not be presumed that the chancellor, who had the recommendation of the judges, wished to insult a man of baron Garrow's character by quietly passing him by. It was much less to be supposed that he would before that have advised his promotion to the office of Attorney-general, if he had not been convinced that he was equal to the highest offices of the law. Such was the inconvenience of arguing upon individual cases. As to the cases of former times, he had always understood that lord Hardwicke had taken the chancellorship very unwillingly. The right hon. gentleman should recollect, that it only belonged to modern times for a chancellor to hold the seals for five and twenty years, or a quarter of a century. At that time a lord chancellor was considered only as a minister subject to removal with his friends. No one dreamed of holding that great and lofty situation for life, as in our times. No doubt the public derived the highest advantages from the judge who now held the office. But, could lord Ellenborough be prevailed upon to accept it? No: he preferred being chief justice of the King's-bench. Lord Mansfield refused the seals. Lord Camden accepted them with difficulty, to oblige his party; nor was he ever known to be satisfied with the exchange. Until the right hon. gentleman could get up a joint-stock company to ensure the possession of the office for half or quarter of a century, the office of chief justice would be preferred to that of chancellor. It was urged that the appointment of puisne judges was in the king; but it was well known, that the lord chancellor had, for years, exercised the right of nominating to those appointments. And yet it must be confessed that the appointment by the lord chancellor, who was himself a member of the administration, was most likely to bring the office of the judge into disrepute and disgrace in the minds of the people. The case of lord Coke had been alluded to; but it should be recollected that that learned judge, after having sat upon the bench, had been removed, and subsequently practised as a barrister, and that he afterwards became a member of that House. He, and those who thought with him upon this subject, did not object to the king's exercising the discretionary power of appointing puisne judges to chief justiceships upon great and necessary occasions. They wished only to establish a rule to the contrary; which rule was only to be deviated from upon full and ample grounds for such deviation being made apparent. The resolution went to embody the feelings of the public upon the subject, and to show the spirit in which the salaries of the judges were increased.

Mr. Secretary *Canning* said, that though gentlemen of the legal profession were much better judges of the subject than he could pretend to be, yet he could not refrain from offering a few observations upon it. And, conceding all that had been urged by the hon. and learned gentleman who spoke last, he felt bound to come to the conclusion, that the resolution proposed by the hon. and learned member for Winchelsea ought not to be adopted; seeing that the adoption of that resolution would lead to a discussion on the propriety or impropriety of every judicial appointment which the Crown might hereafter make. If such appointments ought not to be vested in the Crown, let a specific act of parliament be introduced to that effect. But, if the Crown was to exercise a discretion in the appointments, he would say with his hon. friend the Attorney-general, let that discretion be free and unfettered; subject however, to the opinion of that House in the event of any abuse. Such a course would be open and straight forward; but the proposed resolution would have the effect of attacking, by a side wind, every appointment of the Crown, while it made parliament share with the king, or his ministers, the duty and responsibility of each appointment. He was most anxious that the judges should be free and independent, but he was also anxious, that they should be so placed as to enjoy the confidence and favour of the people. He could illustrate his argument by alluding to what had taken place upon the Regency Bill. It then became a question as to the latitude to be allowed to the prince Regent in creating peers, and it was proposed that he should only have the power of extending the peerage to men of extraordinary military merit. Now, there was scarcely a man in the House, be his opinion right or wrong upon the general question, who did not perceive at once the folly of such a restriction. It might be right or it might be wrong to give this power to the prince Regent; but it was felt by all that the proposed measure would cast upon the House of Commons the duty of discussing the propriety or impropriety of each elevation to the peerage. So it would be in the present case. Either let the Crown be restricted by law from appointing to the higher law preferments, or else let it have the exercise of free and unfettered discretion, subject, of course, to that inquiry on the part of the House, which any violation of the rights and interests of the community would render necessary. No man was more anxious to preserve the purity of the Bench than he was; and he must set his face against making every preferment of the Bench a matter of necessary discussion in that House.

Lord *Althorp* expressed his cordial concurrence in the motion of his hon. and learned friend. The right hon. gentleman had contended, that if the resolution was correct it ought to be followed by an act of parliament. That, however, did not follow necessarily; for the House might choose their own course, whether to proceed by bill or by resolution, even if it was their opinion, as he would confess it was his own, that the discretion alluded to ought to be taken from the Crown. He did not feel himself competent to enter at any length into a subject of that nature. He would, however, state it as his decided opinion, that the removal of such discretional power would be attended with great advantage to the justice of the country, and to the character of the judges themselves.

Mr. Secretary *Peel* was ready to admit, that if it was the intention to follow up the resolution by an enactment, the observations of the noble lord would apply; and that, he thought, a complete answer to the general spirit of his observations. The hon. and learned gentleman on the other side had said that there was an inconsistency between the argument of his learned friend, the Attorney-general, and the motion of his right hon. friend the chancellor of the Exchequer, the former having objected to the mode of proceeding by resolution, and the latter having adopted that mode. But there was no inconsistency in this; for there might be, as there was, an objection to it in the one instance, and not in the other. His right hon. friend had said, that if they increased the salaries of the puisne judges, persons in the prime of life would be found to accept the office. But that would be no reason for adopting the proposition, that no judge should be appointed under the age of forty-five, if any member on the other side should think proper to propose it. In fact, as his right hon. friend had just said, there was no middle course between taking away the prerogative from the Crown and leaving it to be exercised at discretion; if any improper use was made of that discretion, then the House would be called upon, by its duty, to remonstrate in the form of resolution. But the whole speech of the hon. and learned gentleman, who had alluded to Mr. Baron Garrow as one of the most competent to fill the office of chief justice, went to shew the right of the Crown to appoint all officers. But, how did the resolution propose to deal with that right? It affirmed, in direct terms, that it was injurious to appoint individuals under certain circumstances to the office of chief justice. An exception, indeed was made in favour of cases of rare merit, but would it not be hard upon these persons of rare merit to be subject to have their appointments met by a resolution of the House of Commons, such as that which was now under consideration? The prerogative ought, as he had said before, to be left to the Crown, and only interfered with in cases of abuse, when ministers might be called upon to answer on their responsibility. The resolution was unconstitutional, for if passed into a law, it would be little short of binding the Crown to consult the House of Commons on the appointment of every judge. His hon. and learned friend, the Attorney-general, had alluded to individual instances, in order to shew the grounds upon which they had been passed over. Mr. Serjeant Shepherd, for instance, had been prevented, by deafness, from accepting the office of chief justice of the King's-bench. Sir R. Gifford, the present lord Gifford, was not appointed to the office of chief baron, as he was a very young man at the time of the last appointment.

Mr. *Brougham* said, across the table, that his observations were applied to the chief justiceship of the King's-bench exclusively.

Mr. Secretary *Peel*, in continuation, observed, that the discretion of the Crown in these matters ought to be left altogether unfettered, unless it was meant to be proposed to take it away altogether; in which case a bill for the specific purpose must pass through both Houses of parliament. The present resolution provided matter merely for the preamble. Its principle would at once limit the prerogative of the Crown, and impose upon it a sort of necessity to consult the House of Commons upon almost every judicial appointment. On these grounds, he should certainly oppose this resolution.

Mr. *Hume* expressed his entire concurrence in the motion. It was necessary that the House should take some step to prevent appointments which were likely to produce dissatisfaction in the public mind. If such a resolution had stood upon the Journals, they would never have witnessed the appointment of Mr. Best to the chief justiceship of the Common Pleas; an appointment which there was not one individual at the bar who did not deprecate. It was most unpleasant to the country, and most disgraceful to those who recommended it to the Crown.

Mr. Serjeant *Onslow* declared, that the hon. member for Montrose, so far from speaking the sentiments of the bar of England relative to the appointment of chief justice Best, was uttering those that were exactly the reverse of them. While at the bar, not only was this eminent judge one of the ablest men in Westminster-hall, and at the head of his circuit, but sought after in all the other courts. Since he had become a judge, he had manifested the same integrity, application, and extensive knowledge of his profession that had marked his former career. He knew it was much the habit to attack that learned judge, in consequence of his having presided at a political trial which excited a good deal of interest at the time. But there was not a judge on the bench more competent to the duties of his office, whatever prepossessions might be entertained against him.

Mr. *Denman* said, he did not mean to enter into any discussion of the kind upon which the learned serjeant had just ventured, although it might be fairly objected, that this proposition, had a direct tendency to draw the House into such a discussion. He agreed with his hon. friend in thinking that the right hon. and the hon. gentlemen who had spoken from the other side were inconsistent. When it was said, that if the Crown should make an improper appointment, it would be open to the House to address the Crown for its retraction, he begged to ask, whether it would be possible, in the case of an untried judge (against whom there might exist every objection, but who had not yet proceeded to the exercise of his judicial functions), to do so? Ever since the period at which English judges were declared to be irremovable, except by reason of misconduct, no judge had been removed, in England, from his office. Two cases of Irish judges so removed, had, he believed, occurred. [cries of "No."] He thought there had. One of them had resigned, and the other died; but in neither case was there any address to the Crown moved in that House; and this was a fact that might demonstrate the futility of the argument made use of by hon. gentlemen opposite. When for a hundred and twenty years there had been no instance of such an address, it was treating the House like children to tell them, that in the case of improper judicial appointments, they might address the throne. He had been very much surprised not to have heard, in the course of the speeches which had been uttered that night, one word said about the Welch judges. And yet there was one of those judges whom he must declare (from the circumstances connected with his own conduct which that individual had brought before the public), that if the Crown had the power to remove, it ought not to be justified in abstaining from removing. He alluded to the well known case of Mr. Kenrick. In Mr. Kenrick's case, he did not find that the power of addressing the Crown had been invoked at all—he did not find that any of the servants of the Crown had come down to that House to submit to it the propriety of urging this gentleman's removal. With respect to the proposition of his hon. and learned friend, it did seem to him to have met the case which it was intended to meet. But, whether, according to the objection of the right hon. gentleman, it would be the foundation of a preamble only, or the substance of the whole bill, it would at least have the wholesome effect of giving the Crown a hint of the opinions of the people on this subject. As to the promotion of Mr. Justice Abbott to be chief justice of the court of King's-bench, he would only say, that had there at that time existed a resolution of the House to guide the discretion of the Crown, he thought he could have anticipated another nomination. He would even venture to suggest the name—and that was going very far—of the person he was now speaking of; and whose appointment at that period would have given universal satisfaction to the country,—an individual whose name could not be mentioned without exciting in all who knew him the warmest sentiments of admiration and respect — he meant Mr. Serjeant Lens [hear, hear]. It was the absence of such wholesome resolution that had led of late to the appointment of junior judges to the chiefs; a system which evidently must have this effect—that from time to time the influences of hope and fear would be operating on the minds of the puisne judges, to the disparagement of the purity and integrity of justice.

Mr. *Wynn* confessed that he drew a very different inference from that which the hon. and learned gentleman arrived at, from the circumstance of there being no instance in a period of 120 years of the removal of an English judge; for he concluded from such a fact, not that parliament had neglected its duty, but that the judges had faithfully discharged theirs. A good deal had been said about Mr. Kenrick's case. Why, Mr. Kenrick, as yet at least, had only been prosecuted as a private individual; and he had also been proceeded against as such. There was no indictment against him as a judge; how, then, by possibility, could the Crown have interfered with him in his judical capacity? By a reference which he had taken the trouble to make, it appeared that from the year 1700 to the present time, there had been sixteen chief barons appointed. Now, how many of these did the House suppose had been appointed without being previously puisne judges? Only five. With regard to Mr. Serjeant Lens, he had long enjoyed the honour of his friendship; and he could state that some years ago the chief justiceship of Chester was offered to him, and he declined it. Again, when the vacancy of the appointment that had so often been mentioned that night occurred, he could state that the health of serjeant Lens had already began to fail him. He did not know whether the chief justiceship of the King's-bench was ever actually offered to the learned serjeant by the administration of the day, but he was very sure that at that time his health was in a condition that would have compelled him to refuse any such offer. Upon the whole, he really thought that if the resolution proposed by the hon. and learned member had gone on to declare, that under no circumstances of superior talent, or merit even, should any puisne judge be hereafter appointed a chief justice, it would have been more consistent than in its present form; under which, at all events, he felt compelled to vote against it.

Mr. *Denman* believed that at the time the chief-justiceship vacancy occurred, Mr. Serjeant Lens was in good health. He knew that the serjeant had refused the political offices of solicitor-generalship, and the chief-justiceship of Chester; but were these refusals reasons why the chief-justiceship of the court of King's-bench should not have been given him?

Mr. *Brougham* said, that Mr. Serjeant Lens had expressly stated that he refused the solicitor-generalship on political grounds only.

Mr. *Abercromby* said, there could be no doubt as to what the modern practice was, when they saw that two out of the three of the present chief justices had been appointed to the situation of puisne judges. It was easy to imagine cases in which great dissatisfaction might be felt, and great want of confidence on the part of the public, and yet no one would undertake the task of moving a resolution such as the right hon. gentleman would hold out as their best security against the abuse of the prerogative. He contended there would be no difficulty whatever in stating as a reason for the liberal grant they were called on to make to the puisne judges, the probability of their never attaining a higher situation. There was nothing in this unusual or unconstitutional. He was surprised at the doctrine of the right hon. gentleman as to Mr. Kenrick. He had himself been asked several times, Would no member of the House of Commons make a motion for the removal of Mr. Kenrick? And the reason why it was not done was the difficulty of doing it. Though Mr. Kenrick could not be removed, because that gentleman had done nothing in his magisterial capacity, what would be the feelings of criminals who might know of the conduct of that judge? He thought that this was a case in which something should be done, and in which it was almost impossible for any member to act on the right hon. gentleman's suggestion. In fact, unless in very extraordinary cases, which the vigilance of the public prevented. It was never possible for the House of Commons to move an Address to the Throne for the removal of a judge; and yet there were numerous trifling circumstances which might justly deprive a judge of all confidence.—Before he sat down, he wished to direct the chancellor of the Excheqeur to the office of the vice-chancellor. He had had no communication with the vice-chancellor on the subject, and the suggestion was entirely his own; but the vice-chancellor now performed all the substantial duty of the lord chancellor in equity. He heard motions, decided bankrupt petitions, and most of the equity business of the chancellor. He was not so high in rank as the Master of the Rolls; but if his salary were to be apportioned by the business he performed, at least he ought to have as large a salary as the Master of the Rolls.

The House divided on Mr. Brougham's motion: Ayes 29; Noes 112.

List of the Minority.

Allen, J. A.
Althorp, lord
Bernal, R.
Boughton, sir R.
Brougham, H.
Carter, John
Crompton, S.
Denman, T.
Fergusson, sir R.
Guise, sir W.
Heron, sir R.
Honywood, W. P.
Hume, Jos.
Jones, J.
Kennedy, F. T.
Lamb, G.
Lushington, Dr.
Martin, John
Palmer, Fyshe
Rice, S.
Robinson, sir G.
Scarlett, J.
Smith, W.
Sykes, D.
Warre, J. A.
Webbe, col.
Western, J. C.
Williams, sir R.
Wilson, sir. R.

TELLERS.

Abercromby, hon. J.
Grant, J. P.

HOUSE OF LORDS.

Thursday, May 26.

NATURALIZATION OATHS.] Lord *Melville* rose, to move the second reading of the bill he had lately introduced, for amending the law relative to the Oaths taken on Naturalization and on reversal of attainder. According to the law as it now stood, foreigners naturalized, or subjects restored to honours, were obliged to appear at the bar of the House to be sworn, and to have taken the test according to the forms of the church of England. This was on high authority held to be the law, under an act which passed in the reign of James 1st. about a century before the Union with Scotland. It was understood at the Union that no test should be required of the natives of Scotland; but, notwithstanding the stipulation on that subject, the law had since been differently interpreted, so that the great age of the earl of Mar could not excuse him from coming to that House, and he was obliged to comply with the usual practice of taking the test. It was very unreasonable that the sacramental test should be required of natives of Scotland, or of foreign Calvinists on being naturalized. He thought it would be sufficient if the law provided that the person naturalized was a Protestant, without inquiring whether he belonged to the church of England or any other sect. With regard to cases of restoration and reversal of attainder, it might often be a great hardship on persons to require their attendance at the bar of their lordships' House. A case of this kind had occurred with respect to a young officer, Mr. Fitzgerald, who was obliged to appear and take the test, before he could enjoy the advantage of the restoration, though he was in the public service, and in a situation on account of which their lordships would have been disposed to extend indulgence to him. He therefore proposed that the necessity of appearing at the bar in cases of sickness, bodily infirmities, and under some other circumstances, should be done away with; and the object of his bill was, to provide, that in such cases it might be referred to a committee of their lordships to see whether the requisite oaths had been taken, and all that the law required complied with elsewhere.

The bill was read a second time.

Treason Forfeiture Repeal Bill.] Lord *Holland*, after the act of queen Anne and the subsequent statutes realative to attainder had been read, proceeded to call the attention of their lordships to the bill he had introduced. In submitting the motion for the second reading of this bill though convinced that it was founded on justice and sound policy, and called for by a regard to good faith, he still thought some apology necessary for his undertaking to bring the measure forward. He was conscious that he was attempting to procure the alteration of a law which some of the greatest and the best men of former times had made the subject of their consideration, and which had occupied the attention of lord Somers, Dr. Burnet, and Mr. Justice Blackstone. If the interests of the people of Scotland, the influence of their peers in their lordships' House, and their representatives in the other, had as yet brought about no change of this law, it might be considered presumptuous in him, unaided by any authority, and standing there alone, to expect to accomplish so great an object. But, he trusted, their lordships would excuse his endeavour, when he stated that he was induced to make it by a train of circumstances and appearances in the times, which led him to conclude that the present was the most favourable moment which could be chosen for an experiment of a liberal kind. Several reasons concurred to support him in this opinion. Through two successive sessions their lordships had been occupied, most laudably occupied, in amending the law of Scotland: they had also been employed in reversing attainders; and it was needless for him to remind their lordships, that, as in the times in which they now lived, there was no longer any competitor to the Crown, the chief ground to which the apology for the law of attainder had been rested did not now exist. All these reasons induced him to think the present the fittest, in which he could submit to their lordships such a proposition as that which was contained in the bill he had introduced. Still, however, he wished that one better qualified to do justice to the subject, and who would have had more weight with their lordships, had undertaken the task. The noble viscount opposite (Melville) knew the sincerity with which he spoke, when he said that he could have wished that noble viscount to have taken this business upon himself. It was much to be regretted that the occupations of the noble viscount did not permit him to do so. He had, however, that evening brought forward a measure which, though affording no direct argument in support of the bill now before their lordships, yet served to render evident some of the evils of which that part of the country in which the noble viscount was more particularly interested had to complain. In a few words he would state the object of his bill. It was, not to lessen the punishment of offenders, but to confine punishment to the guilty. It was brought forward to afford a shelter to the innocent. It was not founded on any morbid sensibility opposed to the punishment of crimes. Its effect, if it should be adopted, would merely be to restore to Scotland what once was the law of the country, and to which that nation had been strongly attached. It would be to realize that purpose which, by acts of parliament, the King, the Lords, and the Commons had twice in principle sanctioned. He hoped that their lordships would the more readily be induced to agree to the alteration he proposed, as the law of attainder was not analogous to the law of the land, but presented a case of exception. He saw, indeed, no ground on which the bill could be opposed, unless the bugbear of innovation should be called up against it. He did not wish to condemn a proper repugnance to innovation; but, whatever reason there might be for resisting measures on that ground, no such reason could apply to the present bill. In principle, the proposition had received the sanction of their lordships' predecessors. But it might be said, that a measure which appeared reasonable in itself might be attended by great inconvenience, in consequence of the inconsistency to which it would give birth. But neither the objection of innovation nor inconsistency could be sustained. With regard to Scotland, the measure could not be innovation, for it was a restoration; it would remove an anomaly in the law of that country, which, if suffered to remain, might be attended with very serious consequences to the right of succession. With regard to England, it was surely impossible to give the name of innovation to a measure which parliament had, during the last century, wished to realize, and had only not carried into execution on account of the existence of a particular party. The principle, however, had been sanctioned; and that sanction was recorded on the Statute-book. The adoption of the measure he proposed would, therefore, contribute to render the law, consistent and uniform. The noble and learned lord on the woolsack could not, he thought, object to the measure either on the ground of innovation or consistency, for he had prevailed on their lordships to do away that most ancient practice according to which their jurisdiction used to be exercised—a practice more ancient than the woolsack on which the noble and learned lord was seated—and to delegate the hearing of appeals from courts of law to a few of their lordships. He had also consented to the doing away the trial by wager of battle in cases of murder. Why had the noble and learned lord done so? Because public convenience required the former alteration; and because, in the latter case, the law was not suitable to the times, seeing that the people of England, for whose interest the practice must have been established, had now better means of obtaining justice. The law of attainder and corruption of blood was felt to be so objectionable in Scotland, that the parliament of that country in the reign of James 2nd, with them James 7th, enacted the law of entail as an indemnification against the law of attainder. He had the authority of one of the most eminent men in Scotland, and best acquainted with the effect and operation of the laws in his time—he meant lord Percival—for saying, that in 1475, the great inducement of the people who adhered to the cause of the Pretender was, to obtain some alleviation of the law by whic hentails were attainted and destroyed. He had been permitted by the kindness of a descendant of that noble lord, to look at the notes of the speech made by him on that memorable occasion, and he found this statement in them, which, as it had not then been contradicted, he had a right now to assert was entirely true. Bishop Burnet said, that at the Union it was intended to have introduced a provision respecting this law, but that the Scotch steadily refused to be deprived of the immunity which they had always before enjoyed from so cruel and unjust a regulation. In the year 1709, an act was passed for improving the act of Union with Scotland, and in this it was attempted to extend the law respecting corruption of blood to that country. But this attempt was opposed, as contrary to reason, justice, and humanity. In the valuable memoirs which bishop Burnet had left, this was distinctly stated; and even in the House of Lords the venerable earl Cowper, and the upright lord Somers, had not scrupled to recognize the principle, although they had supported the bill on the ground of existing danger—treason being then actually afloat. That act passed into a law, but there was a protest entered on the Journals of the House, signed by twenty persons, of whom there were thirteen or fourteen out of sixteen representative peers of Scotland. It then went down to the House of Commons, where the Scotchmen and Englishmen who composed it, and who seldom agreed in any thing, united to oppose it, and added a clause, providing an immunity in both countries from the operation of the law of attainder and corruption of blood. In those days the House of Lords did not think it wise or prudent to treat with contempt the voice and the wishes of the people of England, expressed through their representatives. They judiciously acquiesced in the clause, under certain modifications; and thus the law stood, making those crimes high treason in Scotland which were so in England, and that forfeiture and corruption of blood should continue until the death of the Pretender. By a subsequent statute this provision was in some measure rendered perpetual; the operation of the immunity being further suspended until after the death of the sons of the Pretender. This, however, was not done without considerable opposition; and lord Hardwicke, who introduced the measure, admitted, that it was only to be justified on the ground of then existing circumstances. Those circumstances now existed no more: all the objections which might then have been urged to the measure he proposed were at an end, and it came recommended to their lordships upon every principle of justice as well as of expediency. The opinion of Mr. Justice Blackstone was decidedly in favour of that which he had now ventured to express, although that learned judge quoted, in the course of his discussion, a passage from one of the epistles of Cicero,* and the treatise of Mr. Charles Yorke on the law of forfeiture, both of which were opposed to his own views. It was whimsical enough, that neither of those quotations would now be received as authorities against the opinion of our great English jurist, because it was doubted whether the epistle which contained the quotation was really written by Cicero; and Mr. Yorke's treatise was denied to be law. If, however, all the grounds which he had mentioned did not exist, still, upon every principle of justice, of humanity, of sound policy, and of prudence, he hoped to induce their lordships to adopt the bill before them. He believed he could prove, and but that the House was already wearied he would attempt to do so, that the whole course of history showed that the effect of the cruel laws which he wished to see repealed was rather to create than to repress treasons. In a neighbouring country the effect of a confiscation which had not, indeed, been adopted by any legislative authority, but by an universal revolution, was now felt and seen; and demonstrated upon a] large scale what must necessarily be the result of such circumstances. The Bourbons, with all the advantages of their legitimacy and the other advantages legitimate or not, which they possessed, found the kingdom over which they ruled, in a state of such discord and disaffection, that their utmost efforts were necessary to prevent actual disturbance; and this was produced merely by the struggle and jarring between that part of the nation who had lost their property, and that part who had gained it. It was enough, however, for an English House of Lords to know, that the principle of the bill which he had brought in was one which was implanted more strongly in the heart of man than perhaps any other; namely, that the innocent should not be punished for the crimes of the guilty. Upon these grounds, he should conclude with moving the second reading of this bill.

Lord *Colchester* said:—My lords, as the bill of which the second reading is now moved by the noble baron, is directed to the repeal of a law which I had the honour to propose in the other House of parliament about six and twenty years ago, it may be not unfit that I should state to the House, whether I still continue to hold the same opinions upon this subject which I then entertained; and more especially after the arguments which we have heard this day.

But as the principle of the existing law does not rest upon grounds which are liable to shift or change by lapse of time, so neither have my sentiments upon it undergone any alteration; nor do I see, why we should now be endeavouring to make treason in any degree cheaper, or to lower the penalties upon rebellion.

The principle which in almost every age and every country has been adopted with regard to treason has been the same. It has been thought right, that men disposed to engage in rash and violent undertakings, which may shake the foundations of society in the state under which they live, should be restrained by every consideration which can affect the heart and mind of man: and as many, who would not scruple to risk their own lives upon such a perilous issue, might nevertheless be restrained by the apprehension of involving in their own fate the interests of those who are dearer to them than life itself, the law has wisely operated upon those powerful motives for securing the general interests of the state.

Upon this principle the oldest laws of this country have proceeded; and the penalties of forfeiture and corruption of blood for the crime of treason continued in full force in England from the Saxon times to the period of the Union with Scotland. The law of forfeiture for treason was of like antiquity in Scotland, and continued in force there till the year 1690, at the period of the revolution, when it underwent a modification which lasted only sixteen years; corruption of blood, though not altogether unknown to the law of Scotland, was certainly not an established consequence of the same offence.

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* Nec vero me fugit, quam sit acerbum, parentum scelera filiorum pœnis lui. Sed hoc præclare legibus comparatum est, ut caritas liberorum amiciores parentes reipublicæ redderet.

When the Union took place, the law of treason was made the same for both parts of the United Kingdom; and the penalties of forfeiture and corruption of blood, being considered by parliament as necessary checks to prevent that crime, were extended also to the whole kingdom,* with the concurrent authority of lord Somers and lord Cowper, and the most eminent men of those times; for the opinions of public men must be judged of by their public acts.

It is true, that the period for the continuance of those penalties was limited to the period of the danger immediately apprehended, namely, the life of the Pretender: but such was the assumed expediency of annexing these penalties to this crime whenever the danger did exist, that the period was again prolonged in 1744,† to the death of the Pretender's sons, at the instance of lord Hardwicke in this House, and of sir Dudley Ryder in the other House of Parliament; and whatever weight the noble lord may ascribe to the authority of sir William Blackstone upon this subject, we on the other hand have that of Mr. Yorke;‡ and sir Michael Forster, in his celebrated discourse upon high treason, strongly intimated his opinion that such a law should not be suffered to expire.

Upon the breaking out of the French Revolution, this country was beset with new dangers; and traitorous conspiracies of the worst description, having sprung up, it was again thought proper to keep on foot the same penalties; and as the duration of the law was to be made commensurate with the possible recurrence of the crime, it appeared to parliament that the wisest course would be, to make the law perpetual.

Of the cases of compassion which may arise under such laws, as it is our happiness to live under a limited monarchy, with the standing council of parliament to advise and direct its measures, we have no reason to doubt that in all fit cases, and on fit opportunities, the royal mercy will be duly exercised; and past experience, as the noble baron well knows, and as we have all witnessed even upon this day, may justify us in expecting similar acts of royal beneficence in times to come. A long catalogue of forfeitures, with the destruction of many great families in the tumultuous times of our history may certainly be enumerated; but if the noble lord would tax his memory with equal diligence on the other side, I am persuaded that he could cite many a signal instance in the history of the great families of this country, where the turbulent spirit of many a Hotspur has been checked by the sight of his surrounding family, and the strong ties of domestic affection have arrested the career of a mad and desperate ambition.

With respect to corruption of blood separately considered, and its consequences, I will not enter into those details of law which others more learned will handle with infinitely more ability.

But thus much I must observe; that by the present bill, as I understand it, if corruption of blood is taken away from treason, all the valuable provisions of the statute of king William* for the protection of persons tried for that offence, which gives them the lists of witnesses and jurors, and the full defence by counsel, will be all swept away, which the noble baron cannot possibly intend; for it is clear that these protections are given only to those crimes which work that consequence.

Upon this head I am well aware that endeavours have been made heretofore to take away corruption of blood, as a consequence of these offences, by the learned and eminent person whom the noble baron has named, I mean the late sir Samuel Romilly, whom I knew well, and for whom I had a sincere respect and regard. We often conversed upon this very question: but in those many conversations, he never presumed to express a hope that he could obtain a repeal of the law of forfeiture;

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* Stat. 7 Anne, c. 21.

† Stat. 17 Geo. 2, c. 39.

‡ Considerations upon the Law of Forfeiture.

* Stat. 7, 8, Will. 3, c. 3.

and although he in two successive sessions endeavoured to remove corruption of blood in the cases of treason, petty treason and murder, he succeeded only in removing it from the lowest classes of felony.* If the bill which finally passed into a law had included the cases of petty treason and murder, I should certainly not have been dissatisfied; and if a bill to that effect were now proposed by the noble lord, it would at least have my concurrence.

Upon the whole matter, my lords, I trust that the law, which, after prevailing for so many ages in this country, was on full consideration established in principle and extended to Scotland at the Union, which was again continued in the reign of George 2nd, and finally upon further discussion made perpetual in the last reign, will be allowed to remain a part of the permanent law of this country; and therefore I shall take the liberty of moving, as an amendment to the original motion, to leave out the word "now" for the purpose of adding the words "this day six months."

The Earl of *Rosebery* supported the bill. He said he believed that if noble lords knew all the grounds upon which it came recommended, they would not withhold from it their approbation. To continue the existing law was, he insisted, a direct breach of the 18th article of the act of Union. That it was a grievous infringement upon private rights would not be denied, since it deprived men of the power of bequeathing their property by will—a power which they had enjoyed long previous to that law which, upon pretexts to him wholly indefensible, restricted it. Even if it was thought right still to continue the law in England, where it had of old been the law of the land, yet it ought not to exist in Scotland; because it was an innovation upon the law of that country, and had been forced upon it only as a temporary measure. Was there any man in the present day who would be so bold as to propose—was there any parliament cruel enough to adopt—such a law? Confident as he was that these questions must be answered in the negative, why, he would ask further, was so unjust and unnecessary a law suffered to continue? No man abhorred the crime of treason more than he did; but his wish to see this law repealed was because it inflicted upon the innocent a punishment which had been deserved only by the guilty. The bill before the House was founded upon the principles of good faith and sound policy; and now that the fears and the feelings which had influenced the adoption of different measures had ceased, this ought to be allowed to prevail. He should, therefore vote for the original motion.

Lord *Melville* said, he viewed the subject very much in the same light as the noble baron on the cross-bench (Colchester). The chief ground on which the advocates for the measure relied was, that it was a breach of faith—an infringement of the provisions of the act of Union; but he apprehended that both the noble mover and the noble earl who spoke last had much overstated the case, and had carried their argument to a length by no means warranted by the facts of history. As to forfeiture of property, down to the year 1690, it was the ancient common law of Scotland, that a traitor fofeited not only his lands, but his honours. He made this statement on the authority of a most distinguished lawyer, baron Hume, and he had no doubt that it was correct. From that principle he felt no inclination to depart; for it seemed to him, that forfeiture of lands and honours, on the part of a traitor, formed a part of the punishment of treason, and was extremely salutary, as it deterred others from pursuing the same projects of rebellion. He fully admitted, at the same time, that the law, as far as regarded corruption of blood, was not defensible; and he should have been glad to have given it is support, if the measure introduced by sir S. Romilly in 1814, had included petty treason and murder as well as high treason. He was not prepared to go quite the length of the noble mover on this point; but, allowing that some change was expedient, he contended that it was fit to adhere to the ancient law of Scotland; at least as far as regarded the forfeiture of property.

Lord *Redesdale* said, that it was almost impossible to frame any law of public policy which did not in some degree affect or infringe private rights. The legislature in former times had wisely adopted every measure to prevent the commission of the crime of treason. Such had been the original object of the law of forfeiture; and, in his opinion, it had been attended with the desired effect. If it were not likely to produce that consequence, why had such a law been passed? In 1706, and at subsequent periods, when the statute had been continued, and finally when it was made perpetual, as far as regarded Scotland, such had been the design of all those who had concurred in the undertaking. An anecdote, which he had from good authority, would illustrate this point. In the year 1745, a noble lady had good reason to think that her husband was secretly engaged with the rebels, and having forged a warrant, he had him arrested by a pretended officer, until an authentic warrant and a real messenger could be sent down by the Secretary of State; thus she truly boasted afterwards, that she had saved the estates and honours of the family. In rebellions, the greatest danger was to be feared from the co-operation of men of rank and wealth with the disaffected. Could it, then, be denied, that a law which secured the fidelity and obedience of men who had honours and property to transmit to their descendants was highly efficacious? Annexed to this bill, he perceived some provisions which were not in themselves objectionable. They ought to stand alone, that their merits might be separately judged and ascertained. He most decidedly objected to coupling both together, for the sake of securing the votes of individuals who were unwilling to relinquish the good because it was attended with some evil. Looking at the measure as a whole, he concurred in the amendment.

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* Stat. 54 Geo. 3. c. 145.

The *Lord Chancellor* felt the importance of the measure before the House, and, entertaining a very sincere respect for the noble lord by whom it was introduced, he regretted that he could not approve of it as it stood. The law of forfeiture and corruption of blood, as applied to cases of high treason, afforded a vast security to the public peace. With respect to other crimes to which the same penalties attached, he was not prepared to say that he thought the law might not be safely and judiciously altered. If their lordships would take the trouble to read this bill, they would see that it was extremely doubtful whether, under the terms of it, corruption of blood was taken away. Of honours to which it was evidently meant to apply, no mention occurred until the latter end of the bill; and, although it was evident that honours were meant to be included, no lawyer would say, that the words "lands, tenements, and hereditaments" could be made to extend to honours. All such grants of honours as the bill was meant to extend to were to a man and his heirs, but still the actual possessor had the entirely of the honour, and for this reason,—when it was once forfeited, it passed away altogether. Another objection to the bill was, that the course of the common law would in some instances, be opposed and interfered with; because persons entitled to remainders in tail would, under the operation of this bill, become seized in fee upon the attainder of the tenant, and without the process of common recovery, by which alone an estate-tail could be legally converted into a fee. The bill was defective also, inasmuch as it neither provided for the transmission of chattels, some of which were not less valuable than estates in fee, nor of goods which, in a commercial country abounding in persons of wealth, was a matter of no less importance. These were, however, only details which might be easily obviated. With respect to the principle of the law of attainder and corruption of blood, he thought, when it was considered how extensively ruinous the consequences of treasonable practices might be, to the peace and the very existence of families, there was no reason to complain if some portion of the punishment of a defeated treason was made to fall upon the families of those by whom it had been set on foot. He saw how difficult it would be, to restore to Scotland the law as it had existed before the Union; but he thought the best course that could be adopted would be to bring in another bill. If this should, however, go into a committee, he should be obliged to propose, that high treason should be left out, and that petit treason and murder should alone be the subjects of the proposed alterations. Unless this were done, he should support the amendment.

The House divided For the amendment, 15: Against it 12: Majority 3. The bill was therefore lost.

HOUSE OF COMMONS.

Thursday, May 26.

MESSAGE FROM THE KING—DUKE OF CUMBERLAND, &c.] The Chancellor of the Exchequer presented the following Message from the King:

"GEORGE R.

"His majesty, taking into consideration that, since parliament made provision for the maintenance of her royal highness the duchess of Kent, and his royal highness the duke of Cumberland, her highness the princess Alexandrina Victoria of Kent, and his highness prince George Frederick Alexander Charles Ernest Augustus of Cumberland, have been born, and have attained an age at which it is proper that adequate provision should be made for their honourable support and education; and his majesty being desirous of granting an annuity to her royal highness the duchess of Kent, and to his royal highness the duke of Cumberland, for that purpose, recommends the consideration thereof to the House, and relies upon the attachment of his faithful Commons to adopt such measures as may be suitable to the occasion.

"G. R."

Ordered to be considered in a committee to morrow.

Petition of B. Coile complaining of Imprisonment.] Mr. *J. Smith* presented a petition from Bernard Coile, of the city of Dublin, complaining of the oppression to which he had been subjected, and of the sufferings he had endured in the gaol of Armagh, to which he had been committed twenty years ago, as a reputed papist. The hon. member said, he would not vouch for the accuracy of every part of the statements in this petition, but he had reason to believe that there was too much foundation for the petitioner's complaints. He thought his case eminently entitled to the attention of that House.

Mr. *Goulburn* said, that when the case of this petitioner was first mentioned to him, he had never even heard of his name. He had since taken an opportunity of investigating the grounds of his complaints. The House should remember, that there was no transaction referred to in that petition subsequent to 1806; and it was thirty years since the ocurrence of the first transaction of which the petitioner complained. With respect to the complaint founded on the committal of the petitioner to gaol, against the magistrates, it was open to him to apply to the courts of law; and he freely admitted, that if the facts stated in the petition were true, the conduct of those concerned could not be too strongly reprobated; but he protested against this appeal to the House of Commons against public officers, because this was not the proper tribunal, and particularly after such a lapse of time.

Mr. *Abercromby* said, it had been his lot to have had occasion to refer to such histories as could be found, containing the subject of Mr. Coile's complaint, and the impression left upon his mind was, that he had never heard of any man, more grossly oppressed, or cruelly treated, than this petitioner. Making all due allowance for the violence of the times, and the exaggerations on both sides, he had sought for some one fact that could turn the scale, and he would state what the fact was that had formed his judgment. What he referred to was the prosecution instituted against the magistrate, Mr. Greer; and when he found that Mr. Coile, in those troublesome times, and with such infinite hazard to himself, had prosecuted this magistrate, and obtained a conviction, that when he found that the government of the day had interfered between the magistrate and the execution of the sentence of the court, he was disposed to think that a great deal of what Mr. Coile stated was too true. He had never seen Mr. Coile; but his conviction was, that he had been most cruelly oppressed.

Mr. Secretary *Peel* said, he had no personal knowledge of the facts of the case, but the House should remark, that some years ago, when an inquiry was instituted, the facts in the petition had been disproved.

Mr. *Hutchinson* said, that Mr. Coile was a most oppressed individual, and was universally considered so in Ireland. He had never seen any statement contradictory of the details contained in the petition; and he thought it would by no means redound to the credit of the government to refuse an investigation into the case of the petitioner.

Ordered to lie on the table.

Forgery of a Petition—Breach of Privilege.] The Serjeant-at-Arms having reported that he had taken Robert Poer French Pilkington into custody, pursuant to an order of the House, Mr. Peel moved that he be called to the bar.

The *Speaker* then addressed him:—"Robert Poer French Pilkington; you have been examined before a committee of this House, and have acknowledged yourself the author of a petition, purporting to be from the Protestant inhabitants of Ballinasloe, in favour of Catholic emancipation; and this House has resolved, on the report of that committee, that you, having been proved to be the author of such counterfeit petition, and having affixed the signatures thereto, and having sent it as a genuine petition to a member of this House, that you have been guilty of a high breach of the privilege of the House. If, therefore, you have any thing to offer in extenuation of your conduct, the House is now ready to hear you."

Whereupon the said Robert Poer French Pilkington stated, that he had nothing to offer in extenuation of his conduct; that he had been guilty of a very foolish and rash action; that he had come from Ireland for the purpose of submitting himself to the will of the House; that he alone had been concerned in fabricating the petition, and in forwarding it to the member who presented it; that he meant no disrespect either to the honourable House or to the honourable member to whom the petition was forwarded; that his health was in a very precarious state, he having been obliged to send for medical assistance since he was in custody; and that he entirely threw himself on the clemency and mercy of the House:—And then he was directed to withdraw.

Mr. Secretary *Peel* said, he was at all times disposed to support the privileges of the House, and this was a case in which they ought to be asserted; but at the same time he hoped the House would concur with him in thinking, that the readiness with which the person who had just left their bar had come forward and confessed himself the author of the petition in question, should be taken as such an extenuation of his fault as might induce the House to relax the severity with which it might otherwise visit it. His conduct, it was true, involved a high breach of the privileges of the House, and was calculated to lessen the confidence with which members would receive petitions coming from Ireland, and other distant parts of the empire; but, looking at all the circumstances of this case, at the individual's state of health, and at the readiness of his confession, he thought that, without being drawn into a precedent, the privilege of parliament would be sufficiently asserted by allowing the prisoner to remain in custody; and to-morrow he would move that he be discharged on Monday.

Sir *J. Newport* concurred in the view taken of the case by the right hon. gentleman. He thought that the readiness with which the person at the bar had confessed his fault, and thus removed the suspicion of having fabricated the petition from a large body of men interested in the success of the object to which it referred, was an extenuation of his offence. It was now fully ascertained, that a class of men who, without the confession of the individual at the bar, might have been suspected of having got up this petition, were wholly innocent. The person at the bar was a Protestant, and was in no way connected with those to whose claims the petition referred. Under these circumstances, and under that of the state of health of the person in custody, he would fully concur in the motion of the right hon. gentleman.

Mr. *Brougham* would suggest, that as it was not the practice of the House of Commons to commit for a certain time—a practice peculiar only to the other House—it would be better to let the prisoner remain in custody until further orders.

LONDON COLLEGE.] Mr. *Brougham* moved for leave to bring in a bill to incorporate a college in or near the city of London. The object of this university was, to bring thea dvantage of education within the reach of those who could not afford to send their children to the universities of Oxford or Cambridge, for the benefit of improvement. He assured the House that it was not the intention of the promoters of this bill to throw the slightest imputation on the conduct, the acquirements, the capacity, the talents, or the principles of those who devoted their time to the instruction of youth in those two learned establishments. That was so far from being the case, that many of the promoters of this bill were distinguished ornaments of the two universities. He then moved for leave to bring in a bill "to incorporate certain persons for the establishment of a college in or near to the city of London."

Mr. Secretary *Peel* acquiesced in the motion, but said that in so doing he reserved the declaration of his opinion until a future stage of the bill. As he understood that no discussion of its merits was to take place now, he merely rose to guard against the possibility of his being supposed to favour the bill because he had not opposed it in its present stage.

Mr. *Brougham* allowed that the right hon. Secretary had a right to guard himself from misconstruction in the manner which he had just adopted. He should, however, be suprised if any opposition were made to a bill, of which the sole object was to render education come-at-able by the middling classes of society, without paying 250*l.* or 300*l.* a-year for each of their children at one of the universities. He wished to give the middling classes an opportunity of getting that education at a cheaper rate for their children, which their servants, their shoemakers, their farriers, and their blacksmiths were now getting almost for nothing at the different institutions which had recently been erected for their benefit and instruction.

Mr. *Peel* said, that all he had intended to do by his remarks, was to reserve the declaration of his opinion until the details of the bill were fairly before the House.

Leave was given to bring in the bill.

State of Ireland, with regard to Religious Animosities.] Mr. *Spring Rice*, in rising to make the motion of which he had given notice, disclaimed the intention of occupying any considerable portion of the time of the House, and declared that he would endeavour to avoid every thing calculated to excite irritation. If he departed from that rule, it would be unwillingly, and he entreated the House to interfere and correct him, if he should be found in any manner deviating from that calmness of discussion which such a subject as the present ought to meet. It was absolutely necessary, however, that he should advert to what had taken place elsewhere, on the subject with which his motion was connected, in order to lay a parliamentary ground for the motion itself. He admitted, that if nothing had occurred on that subject since the commencement of the session, or that if they were at the commencement of a session, it would be exceedingly improper on his part to make the proposition which he was about to submit to the House, and exceedingly unwise on the part of the House to accede to that proposition. But, with reference to what had taken place on the subject, he trusted he should be able to show, not only that it would be wise, but that it was necessary, that the House should take some such step as that he was about to call upon them to take.

He believed that there was no man who, looking back on recent occurrences, would not allow, that if there was one subject which more than any other had occupied the attention, not only of both sides of that House, but of the people out of doors, it was the condition of Ireland, and the steps which it was probable parliament would take to ameliorate that condition. It was a consideration which came in some degree recommended by the Speech from the Throne, and the expediency of which was established by every inquiry that had been instituted. He would now, however, ask, after all the anxiety that had been so generally evinced, what had been done by the legislature for Ireland? The Statute-book might be searched in vain for a single remedial measure for the evils, the existence of which in that country was on all hands acknowledged. One act, indeed, had received the sanction of the legislature. He meant that which had put an end to the Catholic Association. It had been declared in the Speech from the Throne, that the existence of that association was inconsistent with the peace of Ireland; and, although it was supported by the whole body of Catholics of Ireland, parliament proceeded utterly to extinguish it. He, for one, had never dissembled his opinion, that there was some danger connected with the existence of that association. He had always wished to see it put down; although he should have preferred seeing it put down by the removal of the causes which led to its establishment. Put down, however, it was. But, although they thus legislated against the Catholics in that very point to which they were most attached; although from the peer to the peasant, from the earl Fingal to the humblest contributor to the rent, there was but one feeling throughout Ireland in favour of the Catholic Association, yet he called on the House to recollect the conduct of the Catholics when an act was passed against this their cherished body. They silently acquiesced in the decision of parliament. Nay, they did more. They not only obeyed the law, but they gave it an enlarged construction. They not only obeyed it in its literal meaning; but they obeyed it with a liberal understanding, as if, instead of being a penal measure, it had been one of grace and favour. It would appear from this that the Catholics at least deserved well of the legislature.

But, he should be guilty of a mis-statement of the fact, if he were to conceal his belief that the entire acquiescence of the Catholics in the decision of the legislature was principally produced by the hopes of which they were at that period full. They knew that inquiries into the state of Ireland were going on in that and in the other House of parliament; and they calculated on the most favourable results to their cause. They thought that by humbly offering themselves as witnesses; by giving every possible information, by contributing to the production of the whole truth, by laying the case of Ireland before the country, they should receive from the justice of parliament relief from the evils under which they were labouring. Their witnesses were not only examined by the friends of Catholic emancipation, but were subjected to the operation of that powerful engine, the cross-examination of the opponents of the measure. From Mr. O'Connell, parliament learnt the political views of the Catholics; from Dr. Doyle, the principles of their religion. When those inquiries had terminated, the Catholics received, as far as that House was concerned, the reward of their conduct. They looked forward with strong anticipation of success. They found that their cause was gaining ground in the Commons House. They found that in Ireland it was gaining ground. They felt too, that notwithstanding what might be said of petitions to the contrary, that amongst the best-educated and higher classes in England, the cause of emancipation was gaining ground. The bill for the relief of the Catholics was introduced into that House, and for the second time carried triumphantly through it. The expectations of the Catholics were thus highly excited. There was not an individual connected with the Catholic party—there was not a Protestant who wished well to Ireland—that did not entertain what appeared to be a reasonable expectation, that the condition of the Catholics would be better at the close of the session than it had been at its commencement. Nor were those hopes diminished by the tone which had been taken by the opponents of the bill in that House. For although they contended warmly against the measure on principle, yet their tone was so mild and conciliatory, as to disarm the Catholics of resentment, and to excite in their breasts a feeling of regret, that talents were not exerted on their side of the question, which, had they been successful in defeating the bill, would not have accompanied that defeat with insult, but would have given a grace and dignity even to the refusal of justice [hear, hear!]. But, what followed? For the second time, the Catholic Relief bill was sent up to the House of Lords. For the second time it was placed by his right hon. friend, in the hands of the lord high chancellor of England. This bill, recommended as no former measure of the kind had been recommended; this bill, recommended by the concurrence of many honourable members of that House, who had formerly been hostile to it; this bill, supported by a greater number of Protestants than had ever before expressed their approbation of it; this bill was rejected by the House of Lords. "Sir," continued the hon. gentleman, "I will abstain from making such comments on that proceeding as would justly call for your interference. If I were to state that the House of Lords, by their conduct on that occasion, had placed us in a situation disgraceful to ourselves and to them, you would observe to me, that I was using strong language, and the House would, no doubt, concur in that opinion. If I were to say, that the proceeding of the House of Lords was all nonsense and trash in its commencement, and worse than nonsense in its close, you would very properly declare, that such language ought not to be applied by an individual member of either House of parliament to the conduct of the other House" [hear, hear, hear!].

He would abstain, therefore, from applying any harsh words to the rejection of the Catholic Relief bill by the upper House of parliament. It was sufficient for him to say, that it exhibited the two Houses at issue on a question of as great magnitude and importance, as ever occupied the attention of a legislature—a question involving the existence of Ireland, and the stability of the empire. Were they to pause here? Were they to acquiesce in the decision of the House of Lords, and abandon the Catholic cause? Or were they not rather to adopt the wiser course of endeavouring to strengthen and fortify their case by bringing forward evidence of its justice in a shape so unquestionable as to reconcile the House of Lords to their opinion, and at length to ensure the success of the measure, for the success of which they had so long been struggling? Let the House remember that this was not a consideration of minor importance. It was not like a difference of opinion from the House of Lords on a

Silk bill. It was not like a question whether satins and ribbons should be manufactured in Spitalfields or in Yorkshire. It was a difference of opinion on a question, the right determination of which was essential to the well-being, and even to the existence of the country. On what ground could the bill have been rejected by the House of Lords? It could have been so rejected only on the ground that its adoption would have been inconsistent with the maintenance of good order, and with the security of the established religion of the country. It was impossible that the House of Lords could have determined to continue such painful restrictions on six millions of his majesty's subjects, except under the influence of such a persuasion.

Well—the House of Commons declare, that they consider the passing of the Catholic Relief bill to be indispensable to the well-being, and to the very existence of the empire. The House of Lords declare, that they consider the adoption of that bill to be inconsistent with the well-being of the empire, and the safety of the Protestant establishment. If the Lords be right, we are undermining the very foundation of the state; if they be wrong they are arresting all natural improvement, and endangering all natural security; between these two opinions there can be no compromise. Under such circumstances what course ought that House to pursue? To strengthen their case; to prove from the best evidence and the highest authority, that they were right in the view which they had taken of the subject. If he were asked on what evidence, and on what authority, he thought he could most strongly rely as calculated to influence the opinions of the other House of parliament, he would answer, the evidence and the authority of that illustrious individual who had been sent over by the king's government to undertake the government of Ireland under circumstances of the most arduous and difficult nature. He thought that lord Wellesley, as an eye-witness, was better qualified than any other man to give an account of the civil animosities of Ireland, with their consequences. He thought, too, that the opinion of lord Wellesley must have very great weight with the parties with whom he had to deal. Must not his opinion have weight with the cabinet which had appointed him, and with the House of parliament to which he had so long been an ornament? Let it not be said that they had already heard lord Wellesley's opinions in parliament; and that even if such despatches as those for which he was about to move, really existed, they had already derived from those opinions all the benefit which could be gained by the production of the despatches. By no means. Those were the opinions of an individual, given immediately after a long residence in India, and a long dissociation from Ireland and her concerns. What he wanted was, not merely the opinion of lord Wellesley, but the opinion of lord Wellesley as the king's deputy, after four long and painful years of observation and experience; after four years passed in severe trial.—He wanted his opinion of that country after he had governed it for four years under circumstances of greater difficulty than any which had ever fallen to the lot of former governors, and after he had, by his government, conferred upon it greater good than all of them put together [hear]. The House had already, it was true, the weight of lord Wellesley's authority; that which he sought to give them by the production of the papers he called for was the benefit of lord Wellesley's experience in the recorded opinion of lord Wellesley, the viceroy of Ireland, in the shape of despatches transmitted to the ministry who employed him. Had he a right to assume the existence of such despatches? Of course he could know nothing on the subject. But he would allow, that if it was not demonstrable from the common sense of the thing, that such despatches must exist, that lord Wellesley must have expressed his opinion on the great question which had been so long agitating the empire, and that that opinion must be in the possession of his majesty's ministers, then the House ought to withhold their sanction from his proposition. Could the House imagine, that the lord-lieutenant had not communicated his opinions on this subject? The events that had taken place in Ireland: the legislation of the present session rendered such a supposition wholly absurd. That lord Wellesley should have declined all communication with the cabinet was more credible than that, writing to the king's ministers, he should omit all mention of the Catholic question. He had, therefore, a full right to assume the existence of such a despatch as that for which he had moved. He contended that every probability was in favour of its existence;

and he put it boldly to the House, that in such a despatch a distinct opinion must have been given one way or the other, as to the necessity of Catholic emancipation. It was impossible to touch upon any Irish question, without meeting upon it the Catholic question. It was impossible to go from the school of the child, to the burial-place of the old man, without being beset by it in some shape or other. How, then, was it possible to conceive that lord Wellesley, bound, as the chief governor of Ireland, to give an account of its state and condition—bound to describe the evils under which Ireland suffered, and to suggest the remedies by which those evils might be most effectually met—how was it possible to conceive that that noble lord could write to the government at home, without explicitly stating his opinion on the great question of Catholic emancipation? That was the very opinion which he wished to come at. That was the very opinion by which he wished to prove to the House of Lords that the decision of the House of Commons was a wise decision. He called on the majority of that House to support his motion; for by so doing they would support the principle of their own vote.

Perhaps it might be said, that no such despatches had been received from lord Wellesley; that no opinion on this important subject had been expressed to his majesty's government by lord Wellesley. If so, would gentlemen on the other side of the House consent to the personal examination of lord Wellesley, either by that or by the other House of parliament? Why not? The two Houses were at issue on a question of vital importance. On the merits of that question lord Wellesley could give the best testimony that could be given. Would the gentlemen opposite agree that lord Wellesley should be examined as a witness, and should state what had been the result of his four years' experience in the government of Ireland? A "dignus vindice nodus" had arrived, which required the appearance of that illustrious nobleman upon the scene. He would again ask the hon. gentlemen opposite, whether they would allow lord Wellesley to be examined? If he had followed the course most congenial to his own mind, he should have pressed such a motion upon the House; but he was told that if he did press it, he would be met by a declaration that the presence of lord Wellesley could not be spared from Ireland. Under the present aspect of affairs, he would not wish to pursue any course that could have the slightest tendency to create irritation or disturbance in Ireland, and he should therefore make a motion of a very mitigated nature.

He thought it behoved the House, both upon principle and upon policy, to have some consideration for the feelings of the Irish. The people of Ireland had, for many years, been suffering under defeated expectations, and of hope deferred; but the parliament had now avowed what not only amounted to a denial of the Catholic petitions and a refusal to pass the bill, or to grant them any concession whatever; but what, if carried to a fair and legitimate conclusion, would warrant the government in asking of parliament the re-enactment of the penal laws. If the government were consistent, and acted upon their own principles, he maintained that Ireland would be unsafe if they did not revert to the old system of laws [hear, hear!]. If what some members of the administration had asserted was true, that the Catholics were bad subjects, and gave but a divided allegiance, the government had already trusted them beyond the bounds of prudence; they had gone too far, and it was their duty to make them powerless, because they were not to be confided in. Lord Liverpool's declarations had produced this feeling and impression which existed in Ireland; they felt deep foreboding and anticipation, that the day of hope for the Catholics, if it had not disappeared, would shortly disappear; and it was with a view of giving them the solemn, recorded, official opinion of the lord-lieutenant to increase their confidence, that the law, as it existed, would be administered fairly towards them; it was with a view to calm and soothe irritation, that he called on the House to agree to the production of these documents.

When he told the House that he thought it of the highest importance to soothe the people of Ireland, he did not mean to say, that the Catholic disappointments were necessarily to lead to Catholic disturbances. Submission to the laws was the duty of every man, Catholic or Protestant, and the Catholics of Ireland were aware of this truth; but, nevertheless, so long as grievance was added to grievance—so long as government continued adding disappointment upon disappointment—so long was danger augmenting. If the Catholics could be trusted as far as they had been trusted under disappointments and grievances—if government had thought it right to repose such confidence in their loyalty and obedience when in a state of irritation from existing evils—was it not a proof that they were worthy of having bestowed upon them those rights for which they had petitioned, but which were still withheld? The hon. baronet near him (sir T. Lethbridge) had admitted, that notwithstanding the rejection of their claims, he was persuaded the Catholics would still behave with loyalty and affection. If this was his persuasion, why, then, refuse them that confidence which they required and deserved? That hon. baronet admitted that, at this day, the Catholics might be fully relied upon—that their peaceableness, fidelity to the laws, tranquil demeanour, was what was to be relied upon as to the future tranquillity of Ireland. He did think that these recitals of Catholic merit, that this reliance upon Catholic allegiance, came very strangely from a quarter which had given its most strenuous opposition to the bill. If the Catholics were what they were represented—if, in disappointment and grievance, you could confide in them—if, under circumstances of irritation, the hon. member for Somersetshire loved the Catholics so well, that he believed, do what they would, they would still respect you—he (Mr. R.) could only say, upon this principle, that the House was not justified in withholding or refusing its approbation to any measure, the effect of which would be, to admit into the constitution those persons of whom it entertained so high an opinion. But he believed that the Catholics would confide as little in the praises bestowed upon them by the hon. baronet and those who opposed their just claims, as that hon. baronet and his agricultural friends did in the high tribute paid by the late lord Londonderry to their patience, endurance, and forbearance, when he (sir Thomas) and Mr. Webbe Hall were described as the O'Connell and O'Gorman of the agricultural complainants [hear]. The Catholics would, he feared, when praise was offered from such a quarter, remember the language of the poet—

> "Fair Sir, you spat on me on Wednesday last;
> You spurned me such a day—another time
> You called me dog—But, for these courtesies."

"But," says the hon. member for Somerset, "I hold myself entitled to the best services of the Catholics."

If the Catholics, however, rejected the advice of their enemies, he still hoped they would take the recommendation of their friends; and as one of the latter, there were two principles which he would particularly urge for their adoption. One was, to preserve, at every risk, and under all vicissitudes, union among their own body—to maintain it from Giant's Causeway to Cape Clear, if they hoped either to meet or to deserve success. The next was, to obtain, by all means within their power, the Protestant co-operation, which was already so generally held out to them. A tide was already beginning to flow in their favour; let them embark upon the stream and they would arrive at a safe harbour. They were approaching the period when Ireland would become, morally speaking, unanimous upon this subject. As soon as Ireland became so, it would not be in the power of that House, nor of any government, to refuse their demands [hear, hear!]. One party declared that there could be no security without the passing of the Catholic bill, whilst another party protested, that were the bill to pass, the very existence of both church and state would be endangered, if not annihilated. This wide extreme of opposite views, urged a want of accurate information upon the subject. But it was not a matter which required any depth of research—the Irish people, on this question of emancipation, must, from the nature of things, be the best judges as to the expediency of granting it. He entreated the government to consider that this was, of all other questions, that on which the Irish members were entitled to particular attention from the people of England, on account of their local knowledge and peculiar opportunities of observation. Their lives, happiness, and property depended upon this subject, and they were consequently the best judges of its nature. Now, at least three out of four of the Irish members were favourable to the Catholic claims; and if they were to take the opinions of the Irish peerage, the majority in favour of those claims would be at least equal. The necessary effect of exclusion against this evidence was calculated to bring the people of Ireland ultimately to hate and curse the British constitution, and detest that union of the two countries, which, under more fortunate circumstances, would be productive of so much good for both. It was under those circumstances thathe was so anxious to have the despatches of lord Wellesley laid before them; first, to calm the agitated feeling of Ireland; and next, to enlighten the public feeling of Ireland upon a subject in which his opinion, as chief governor, must necessarily have great weight; or, to speak more justly, to guide public opinion in England in the course it had already taken.

For his part, he most thoroughly despised the base and despicable arts which had been taken to inflame the public mind upon the subject. With regard to the cry of "No Popery," and the base artifices by which it was raised, he should merely say, that the same hands which scrawled "No Popery," would also be the first to write "No King" in the same manner [hear, hear]. And having just mentioned this fact, he would relate another, and which he was sure was not promoted by the respectable part of the opponents of the Catholics. There was a person, he believed, of the name of Benbow, who was described as an obscure publisher of seditious pamphlets at former trials of notoriety, and who was at present engaged in disseminating a Speech, purporting to have been delivered by an illustrious personage elsewhere, and upon the sentiments in which, he meant not to say one word. To this publication was, however, subjoined a call of the people of England to rejoice, in terms sufficiently objectionable in this country, but which, when circulated in Ireland, whither he had heard it was sent by a personage high in rank and office, was in the utmost degree calculated to excite irritation and discontent. If either of the parties conceived that this conduct would recommend them to the illustrious person, he felt persuaded that they deceived themselves; as he could not believe that the duke of York would wish to produce discord and irritation in Ireland.

If there was any question on which he should mistrust public feeling, it was one which involved public prejudices. The moment religion was interfered with, the judgment was blinded. On a question like the present, he would mistrust mere popular feeling; so little was it to be depended upon in any question that involved the religious prejudices of the population. The clamour excited upon this subject was as unworthy of attention as those which had existed against measures of trade, and which, upon another occasion, had been alluded to by a right hon. gentleman opposite. Such clamours had been often raised by merchants against measures, from which, immediately after they were carried into execution, they themselves derived the greatest benefit. To prove the truth of this opinion, the Irish Union duties, and other duties, had been very properly appealed to. Such facts might justify the House in disregarding clamours and popular feelings, so frequently excited out of doors.

He would further beg leave to refer to another apposite case. About the year 1720 or 1721, considerable alarm existed in the government of this country, with respect to the introduction into England of the plague, which then raged at Marseilles. The government of that day came forward with remedial measures, in the same way as the government now came forward with their Catholic measures. The plague was then raging with the utmost violence at Marseilles, and the greatest consternation prevailed throughout England, lest it should be introduced into this country. Nevertheless, certain partizans contrived to raise the most violent popular clamours against the measures which the government was then taking for the public safety. "No barrack hospitals," "No red-coat nurses," were the cries raised against the plans of government, the sole object of which was, to prevent the introduction of that malady; and the effects of such clamours had been very considerable. Lord Hardwicke stated, that "In the 7th year of Geo. 1st, an act was passed for preventing the spreading of the plague. Though the regulations were all very proper, though the people were then in the utmost consternation for fear of the plague at that time raging at Marseilles, yet means were found to raise a popular clamour; the cry was every where, 'No barrack hospitals,' 'No red-coat nurses," and the ferment among the people became general." The cry was then "The plague for ever," as it was at present "No popery."

But, for a case more completely in point, he would advise gentlemen to refer to the memorable debates which had taken place upon the introduction of the celebrated Jew bill, and they would be astonished to find, that all the arguments now used against the Catholic emancipation were the same as had been resorted to against the former measure; and yet there was not to be found even an old woman throughout the country who would not hold in contempt the supposition that any danger could arise from passing such a Jew bill. He would refer to a petition presented to the House against the Jew bill, by the city of London, praying that the measure for naturalizing the Jews might not pass into a law. The petitioners set forth, "That should the said bill pass into a law, the same would tend greatly to the dishonour of the Christian religion, would endanger our happy constitution, and would be highly prejudicial to the interests and trade of the kingdom in general, and of the city of London in particular." Here the citizens of London thought that the bill would be greatly to the dishonour, not of the parliament, but of the Christian religion itself, and therefore so much worse was it than the present Catholic bill, which would only endanger the honour of parliament and the happy constitution in church and state [hear, hear!]. The petition further stated, that the said Jew bill would be "prejudicial to the interests of the trade of the city of London;" but, he might appeal even to the chancellor of the Exchequer, whether the Jews had not been since introduced, not only into the city of London, but even into Downing street itself, without any distressing consequences whatever—at least according to the notions of chancellors of the Exchequer [a laugh]. The debates upon the Jew bill were just as strong, just as impassioned, and just as prejudiced, as the present debates upon the Catholic claims. To give some idea of the truth of what he was saying, he would refer to the "Craftsman." After stating the numberless inconveniences, the innumerable disasters, which would arise from the measure, the author proceeds to state in these words—"I must beg leave to set forth the consequences of this bill. With God there is mercy, but with the Jews there is no mercy, and they have 1,700 years punishment to revenge. If this bill passes, we are all Jewish slaves, and without hope of relief from the goodness of God. The monarch would become a creature of the Jews, and the freeholders would be insignificant to him. He would disband our British soldiers, and raise a greater army of Jews, who might force us to abjure our royal family, and to be harmoniously naturalized under a king of the Jews. Awake, therefore, my brother Christians and Protestants. It is not Hannibal at your gates, but the Jews, who are coming for the keys of your church doors" [loud and continued laughter].

But it was really curious to see the apposition existing between the two cases. Even in that day there was a mighty West-country member, who was a great champion of orthodoxy—a powerful defender of "the present order of things." This redoubtable champion of the rightful cause, a Mr. William Northey,* said, that "this bill will admit the Jews to a share in our government. A multitude of Jews may have votes for members of parliament, and we may soon have some of them in this House. They will divide our counties by lot amongst their tribes, and become the highest bidders for every estate." Another member of that day, a sir Edmund Isham, said, "whatever may seem to be intended, every gentleman must foresee that a general naturalization of the Hebrew nation will be the consequence. I am persuaded their number will increase so fast, that they will become possessed of a considerable part of our landed estates, and we shall soon have to contend for power as well as property." Another member, a worthy representative of London, took a more deep and theological view of the subject, very similar to a petition that had recently been presented from Leicester. This was a sir John Barnard, who pronounced, that "the Jews are the offspring of those who crucified our Saviour, and labour under the curse pronounced on that account;" and he, therefore, called on the House to throw out the bill: just as many at present say, "the Catholics are the descendants of those who burnt your ancestors at Smithfield! and, therefore, persecute them—refuse them all the rights of humanity." There was no more sense in one declaration than the other [hear, hear!].

He would now beg leave to read an extract from a publication of that day, called "the Hebrew Journal, published by authority." "Since our last, arrived one mail from Jerusalem. Last week twenty-five children were publicly circumcised at the Lying-in hospital, Brownlow-street.—Last night the bill for naturalising Christians was thrown out of the Sanhedrim by a very great majority.—

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* See Parl. Hist. v. XIV. p. 1365.

The report of the Christians rising in North Wales, is entirely without foundation.—Last Friday being the anniversary of the Crucifixion, it was observed throughout the kingdom with demonstrations of joy." In this way had a clamour been raised against a very useful and liberal measure in former times and that clamour was even greater than the outcry that is at present against the Catholic claims, Speaking of the new bill, the late lord Chatham had said, "I am fully convinced, I am persuaded most gentlemen who hear me are fully convinced, that religion has really nothing to do in the dispute; but the people without doors have been made to believe it has, and upon this the old high-church spirit of persecution has begun to lay hold of them" [hear, hear!]. It would be indecorous in him to speak of the high-church spirit of persecution; he would rather call it the high-church love of exclusion, of monopoly, and of possession. This high-church spirit of persecution had now been made use of to influence the people, who had been made to view the Catholic as a purely religious question; but those who had thus used the people as their tools, knew in their hearts that religion had no more to do with the question, than had the bill to regulate weights and measures, or than the bill to ascertain the length of the pendulum by the number of its vibrations. Apposite to this opinion, was a letter which would be found in the "Parliamentary History"* from doctor Birch to Mr. Phillip Yorke upon the Jew bill. Dr. Birch says:—"The clamour against the Jew bill is evidently designed to influence the election next year. The bishop of Norwich was insulted for having voted for it, in several parts of his diocese, whither he went to confirm; the boys at Ipswich in particular, calling out to him for circumcision, and a paper being fixed up to one of the churches, that on Saturday his lordship would confirm the Jews, and the day following the Christians."

Thus was the cry against liberal measures in all ages equally senseless and equally brutal [hear, hear!]. There was no power which the parliament could grant to the Catholics which could, under any circumstances, be so dangerous as that which the parliament created in their favour by their system of exclusions. It was their grievances, and their grievances alone, which, in an age like the present, could make them powerful. It was the oppressions under which the Catholics laboured which gave such gentlemen as Mr. Shiel, Mr. O'Connell, and Mr. O'Gorman, their influence over that body. When he named these gentlemen, it was not to distrust them: on the contrary, they were entitled to his respect and esteem, and deserved well of their country; but he preferred to have power vested in the laws, and not in the hands of individuals however respectable. He preferred the sway of legitimate to that of personal authority. No truth was more general, more important, or more invariable, than that individuals could never obtain a power over the people as demagogues, or as agitators, but by the errors or the vices of the government. Let gentlemen consider whether any thing could be more dangerous than to give an influence over great masses of the people to agitators, or to leaders (if the word agitator were obnoxious) of the Catholics. He meant no disrespect whatever to the Catholic leaders; but he must say, that all their influence over the Irish population arose completely from the errors of government. If a people could not look up to their rulers for protection, if they were forced to view the constituted authorities as their oppressors, they would naturally be inclined to resort to able individuals for counsel and protection.

He felt convinced that the time was not distant, when the present proceedings of this and of another House, would be viewed by those who succeeded them with the greatest astonishment, if not with the utmost contempt [hear, hear!]. The religious wisdom of one age was often the object of contempt to every succeeding generation. The successors of that House would not believe that the present parliament of Great Britain had carried about with them an atmosphere of their own, that deprived them of all the benefits of time, place, and general circumstances. Whilst all the educated classes of society were throwing off the trammels and prejudices of ages gone by, and were emerging from the grossness of ignorance, the parliament, as he had already shown, were acting in a manner precisely analogous to that in which the parliament had acted upon the subject of the Jew bill, nearly a century ago—a manner which would excite nothing but the contempt of the present times, if it were not for the evils which such proceedings entailed upon society. Some short time hence, foreign ministers would not believe that an assembly of five hundred educated men could refuse such a measure as the present Catholic bill, much less could they believe, that they had refused it upon any of the grounds that had been urged in the speeches of the members. Perhaps the greatest satire that could be pronounced upon the human character, would be those last fading remnants of religious bigotry, which, in an age like this, would still uphold the principle of ecclesiastical monopoly, and retard, if they could not prevent, the practice of toleration in its most absolute sense. It would hardly be credited that they had, at variance with every principle of sound policy, left it in the power of any foreign minister to trouble the peace of the country, instead of following that wise, enlightened, and liberal policy which distinguished the other proceedings of the day, and which, in that case, would have tended so strongly to preserve the power and pre-eminence of the country. This country had established a continental society for the purpose of diffusing its principles amongst the people of the neighbouring nations. This society circulated their tracts in every direction. Suppose an insular society existed abroad, the object of which was, to establish French principles in Ireland. If such a society were to exist, would not the government accuse itself of having done every thing calculated to render the Irish susceptible of foreign influence and infection?

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* Parl. Hist. v. XIV, p. 1431.

Respecting the subject in debate, the Irish government had as yet expressed no opinions whatever of the state of Ireland, in relation to the Catholic measure. If they had expressed any such opinion, it had been withheld from the public, and the House ought to be put in possession of their sentiments. He wished that the people of England should hear the opinion of the head of the Irish government on this vital question. If it had given no opinion, it ought to be rebuked: if it had given one, it ought to be known, in justice to both countries. On former occasions the despatches of lord Wellesley had been used in parliament to support legislative proceedings for Ireland. With what consistency, then, could they be now withheld? How could they be refused, in justice to their own votes, in justice to their duty towards Ireland? Papers had been produced to justify the application of coercive proceedings against the Irish people; and, were they not likewise to be produced when the effect was likely to be productive of conciliation and tranquillity? Papers had been produced to the House of Lords, and he thought that precedent was sufficient to justify the present motion. He hoped the House of Commons would not refuse its consent to a proceeding, which would put it in possession of the evidence of the chief magistrate of Ireland, and thereby not only justify the vote they had given, but give the means of a renewed effort to do justice to the people of Ireland.—The hon. gentleman concluded by moving,—"That an humble address be presented to his majesty, that he will be graciously pleased to give directions that there be laid before this House, copies or Extracts of any Letters or despatches which have been received from the lord lieutenant of Ireland, respecting the origin, nature, and effects, of religious animosities, in that country, and the best means of allaying those animosities with a view to the tranquillization and good government of Ireland, and the strength and security of the empire."

Sir *T. Lethbridge* assured the hon. member, that he was never more mistaken than when he imagined that opinions were held by him derogatory to the loyalty of the Roman Catholics, he never had entertained any such opinions. On the contrary, he had always felt the greatest respect for many members of that persuasion. The hon. member had gone a little out of his way in speaking of the clamour of the people of England against that measure. The opposition which they had manifested did not deserve the name of clamour. Instead of being so, it was a steady expression of feeling manifested from one end of the kingdom to another, in a stronger manner than on any former occasion. He knew nothing of this supposed clamour; but he believed he might say, that it would be difficult for the hon. member to bring in any measure which could or ought to pass that House, when it excited so strong a feeling of disapprobation among the people as that had done. That hon. member was deceiving himself, if he imagined that by renewing the question in any shape, a different feeling would be manifested by the country. It had been said, that great hopes had been raised, and that those hopes had only been raised to be dashed. If that were true, by whom had those hopes been raised; and whose fault was it that they had been dashed? Certainly, no one could say with truth, that those who would have suffered the question to remain unnoticed, had been the cause of those delusive hopes; and, if the blame was to rest any where, it must rest on those who had brought the question forward. He begged leave to deny another statement that had been made; namely, that the people of Ireland had acquiesced in the putting down of the Catholic Association, in the hope of receiving something else as an equivalent. That was not so: they had acquiesced in it, because the legislature had thought it necessary, and, in so doing, they had given another proof of their loyalty.

Mr. *Goulburn* said, he should not think it necessary to repeat the opinions he had formerly expressed on this subject, nor to detain the House by a detail of the reasons which had induced him to give his vote against the measure which had been proposed. He must however say, that he thought the hon. mover had argued the question improperly, when he argued it only as a question relating to one part of the empire. For himself, he must always consider it as a great political question—as one involving the great constitutional principles upon which this government had existed for the last two hundred years, and which was of the utmost importance to the interests of both countries. He could not, therefore, suffer that the feeling of one part of the kingdom should be taken as a decisive argument in favour of the measure, when that of the other part of the kingdom was decidedly against it. It had been said, that it was a question on which the feelings of one portion of the people had been considerably excited. That might be true; but he should wish to add this observation, that the other portions might feel just as excited on the same subject, though in a different manner. The feeling which the people of England had manifested on this subject, was, he believed, very much like that which he himself entertained. It was founded on the fullest conviction of the inutility, and even of the impropriety, of the measure; but while it was fixed and positive, it had not been arrived at but by a painful effort. He felt, and he had no doubt the people of this country felt, that the measure which had been proposed ought to be granted, if it could be granted with safety; but that, as it could not, it must be refused. The hon. member had made several references to the Jew bill, and had quoted sentences from the debates and petitions upon that bill. Now, with respect to them, he had only to say, that he had never heard a debate, or read a petition, from which extracts might not be made, that would answer the purpose of the speaker to answer them, or that would not excite a laugh when repeated. But though he was not disposed to treat those extracts as any very great authorities, still he should himself refer to the case of the Jew bill, which he thought was one that ought to serve as a caution to members who wished to press forward the Roman Catholic question. They should remember what had been done in the case of that bill, and they should look to the consequences of carrying a measure into effect which had not previously received the sanction of the people. If such a measure should be carried at the present moment, unless it was supported by the majority of the people, it would be repealed in six months afterwards. The Jew bill was not the only occasion on which popular outrage had been caused by the difference between the parliament and the people. The riots of 1780 had been created by a similar cause. He admitted, that on that occasion, when some concessions were made to the Catholics, those concessions were misrepresented to the body of the people, who were misled into their excesses.—The hon. member had called on the House to address the Crown for copies of all the despatches of the marquis Wellesley, relative to religious animosities in Ireland. From this motion he seemed to expect several advantages. First he stated, that he thought it would tend to allay the irritated feelings of Ireland. In dealing with that subject, he thought he could satisfy the House, from the nature of the despatches themselves, that it was impossible they could have any such tendency; while, on the contrary, he believed they were of a nature highly calculated to keep it alive. It had been said, that the correspondence of the marquis Wellesley was only brought down when the object was to justify the passing of any measures of severity against Ireland. He thought such a statement exceedingly unfair. When a temporary evil existed in Ireland, the marquis's despatches were brought forward with a view to ascertain what was its nature, and what was the best temporary remedy, that the House might be enabled to form a better judgment on the subject. On the Orange Societies, and on the Catholic Association, parliament had legislated on the responsibility of government, and might safely do so on the present occasion. He thought that there was no measure so little likely to produce the effect of allaying the irritation of Ireland. The second object which the hon. member seemed to expect would be gained, was, to induce the House of Lords to alter the opinion they had formed on this subject. Now, on that, he must say, that he thought they were already as sufficiently informed as they could be by any of the lord lieutenant's despatches; for the marquis of Wellesley, exercising the privileges of a peer, had already expressed his opinion by his vote, and had thereby declared that his former opinion remained unaltered. If this motion was meant to have the effect of putting the noble lord under an examination, the hon. member should have come down to the House prepared to offer the motion in that form. He thought that there had been no sufficient ground for the present motion, and he should, therefore, oppose it.

Sir *J. Newport* said, he could not refrain from speaking on a question, which intimately regarded the peace, happiness, comfort, and security of five or six millions of the king's subjects. The right hon. Secretary thought there was no ground for the motion. In that opinion he essentially differed from the right hon. gentleman, as he conceived that it was essential to the happiness of that country, that the legislature should be informed of the opinions of a man so highly gifted as the marquis Wellesley, who had so long been acquainted with Ireland, and who had succeeded, with the assistance of the Roman Catholic body—(in spite of what had passed he would not relinquish that phrase)—in effecting so much towards the tranquillization of Ireland. It was the duty of the House to ascertain what measures that noble person held to be most eligible for permanently quieting that country. For his own part he disliked the easy slothful temper in which some of his majesty's ministers looked upon this subject. He disliked "things as they were" in Ireland. He was not easy at beholding those heavings of dissatisfaction and disappointment, as they had been described by the Attorney-general for Ireland,

"———Ignes
Suppositos cineri doloso."

He deeply deplored the illiberal zeal with which the heat of religious animosities had been fanned almost into a flame. What a spectacle it was for Europe, to behold one part of the people induced to set the bells ringing by way of demonstration of triumph over another portion of the people, as if there had been another victory of Waterloo. What could tend so speedily to bring down destruction upon the church establishment? The people had a right to complain of the practices which had been resorted to, to secure the defeat of the Catholic bill. In particular, he adverted to the conduct of a noble lord at the head of the government, who had made use of the opportunity of the committee to put many questions to the Catholic clergy who submitted themselves to examination. That noble lord should have given them plainly to understand, in the first instance, that which he only made known on the second reading of the bill; namely, that at no time, nor under any circumstance, did he deem it possible to admit the Catholics to the high privileges of the constitution. That would have been the conduct of a fair and honourable mind. Why the noble lord did not adopt it, was best known to himself. He complained, too, of the part taken by a right reverend prelate in attributing the opinions contained in a speech delivered by a Catholic clergyman to the Board of Catholics, though it must have been known that a whole day did not pass over before those opinions were disowned, and marked with reprobation by that board. He deplored the infatuation which existed in the councils of the Crown, which disposed them continually to lead the affairs of Ireland to the verge of peril, and leave them there. Lord Bacon had said truly, "that the wisdom of these latter times in princes' affairs is rather fine deliveries and shiftings of dangers and mischiefs when they are near, than solid and grounded courses to keep them aloof. But this is but to try masteries with fortune. And let men beware how they neglect and suffer matter of trouble to be prepared; for no man can forbid the spark, nor tell whence it may come." So said lord Bacon, and so said he. He could not predict the time and all the separate circumstances; but he looked upon the first formidable and successful attempt to separate a considerable body of her subjects from her, as nothing less than ringing the death-bell of England. He reminded the House of the inward hatred in which this country was beheld by the Holy Allies; how jealous they were of her power, her grandeur, her opulence; how much they envied her those advantages; and how resolutely they would be leagued, per fas et nefas, to deprive her of them should an opportunity be given them. The disunion of Ireland was a formidable weapon in the hands of our most deadly enemies, which they would wield against us with terrible force. The noble marquis (Anglesey) who had displayed such a readiness to draw his sword, might find other persons to contend with than the unarmed Irish peasantry. There could be no greater delusion, than to suppose that Ireland would remain tranquil: he knew the country well, and certainly would not answer that, ere long its situation would not assume a fearful shape. If a state of things were revived, similar to that in 1798, the House should recollect, that now there were a million more people than at that time. It was to enable the House to judge what was really the state of Ireland, that he wished to have the despatches of the lord lieutenant produced. He had heard the opinion of the right hon. Secretary for Ireland; but, both from situation and age he thought the opinion of the lord lieutenant more entitled to his respect. He was old enough to remember the outrages of 1780 and of 1807; he knew what was their object, and how the people were gulled and deluded into the adoption of false opinions. It was to prevent them from again having recourse to such practices, to show that this was not at all a question of religion, but a question of monopoly, in which a few interested men strove to exclude the large mass of their fellow-subjects from a full participation in the benefits of the constitution, that he wished every sort of information to be laid before the House. The people were, in those instances, made the tools of artful designing men, who strove, by acting on their passions and prejudices, to gain an ascendancy in the country, at the expense of the community, and to the injury of the constitution. Religion, it was now well known, had nothing to do with the question. It was only a monopoly in power which was intended. He was anxious that the people should not again be made the tools of those who wished to get or maintain an ascendancy at the expense of the country at large, and therefore he would support the present motion.

Mr. *Curteis* said, he was anxious to explain why he voted as he had done on this question. The general opinion in the county which he represented was against the Catholics. He had had a great many petitions to present against the measure, and not one for it; and it would have been treason against his constituents if he had voted for the measure of Catholic emancipation.

Mr. *Brownlow* said, it seemed to be the opinion of some hon. members, that this motion placed the supporters of the Catholic question in an awkward dilemma. This might be the case; but he would extricate himself from it, by giving his decided support to the motion. He would vote in this way, because he was most anxious to procure all the information in his power respecting the state of Ireland. During two sessions they had been engaged in obtaining all possible information on the affairs of Ireland, from all classes and denominations of Irish subjects—from the judges on the bench to the meanest officer of their courts, from the highest dignitaries in the Roman Catholic church to its humblest minister—from grave ecclesiastics—from general officers—from all who were in the least likely to furnish any thing to the general stock. He thought it, then, neither wise to themselves nor courteous to the individual, to leave out the lord lieutenant of Ireland, whose high situation, eminent talents, and great influence, were likely to produce more of that information than could be derived from any other source. At all times must he have been anxious to know the opinion of the lord lieutenant of Ireland upon any question affecting the well-being of Ireland; but he was more particularly anxious for it at a time when inquiry had become the order of the day, and when the lord lieutenant was the marquis Wellesley. The right hon. Secretary had said, that the House knew the noble lord's opinions sufficiently, because he had voted by proxy for the bill. The consequence was not so plain as it would thus appear. Many noble lords—the custom prevailed among Irish lords—

spoke one way, and voted another. How could the House be sure, unless they were allowed to judge by their own eyes, that a lord lieutenant might not have voted one way, and written another? It was well known that there was a correspondence of that noble marquis, lying in the office of the right hon. the Home Secretary. What sympathy could there be between the noble marquis and his right hon. friend? Did the lord lieutenant partake in any way of the opinions of the right hon. gentleman, who was so far from thinking Catholic emancipation just as to Ireland generally, that neither then nor at any other time did he think that it could be conceded? This, he acknowledged, had been his own opinion up to a late period. He had held that opinion as long as he could conscientiously—as long as there was any tenable ground for supporting it; and he had been willing to hold that opinion as long as possible. But he now found no tenable ground. There was no shadow of argument urged, through all the long debates on this subject, which could justify the continued denial of the Catholic claims [cheers]. It was because he had felt the hollowness of his former opinions—had seen the total want of any arguments in their favour—that he had been compelled to change his opinion, and to take the course which he found prescribed by reason, policy, expediency, and justice. He therefore deeply regretted the opinions of the right hon. Secretary for the Home Department, and of his noble colleague, the earl of Liverpool, who had not only said, that the time was not arrived, but that neither now, nor at any future time could the concession be made. Was this wise conduct in statesmen? Was it the language of wise ministers of state to say of a nation—"Be they loyal, peaceable, and submissive—be they patient as Job—let them shed their blood in their country's cause—let them contribute to the support of their country's burthens—be the justice of their claims ever so clear, ever so irresistible, they and the constitution must for ever continue to be aliens? This was a declaration full of disappointment and danger to unhappy Ireland. That distracted country was not only consigned to be the prey of almost every political misery, but even restrained from the consolation of hope—

'Regions of sorrow, doleful shades, where peace
And rest can never dwell, hope never comes,
That comes to all; but torture without end
Still urges.'"——

He gave credit to the opponents of concession in the cabinet for conscientiousness; but he complained that, though conscientious, they assigned reasons which were contradictory, which were not consistent, which were not intelligible; and he therefore considered it an unjustifiable liberty on the part of statesmen in the discharge of their duties, to act as if they made playthings of a great country and a mighty people.—A great deal had been said about danger to be apprehended by the established church from a union of the Catholics of Ireland with the Catholics of England. Mr. Blake had stated, however, that there was no probability that the measure would promote a union between the Catholics of both countries dangerous to the church. If he thought so, he would be against it. But were there no other causes of disunion? When the great majority of the Irish people were Catholics—when seventy-five of the Irish members had voted for their emancipation—when the sense of that country was not to be mistaken, and yet that sense was utterly neglected—when the voice of their representatives was regarded as nought, and the nobility and gentry of Ireland were treated with scorn—when the people, after being promised the legitimate enjoyment of the constitution were thrown back in despair—when all these things were considered, he would ask, whether more causes of disunion were not to be found in the rejection of the Catholic claims, than could be feared from their concession? But the Catholic question would ultimately be carried. In point of argument it had already been carried. In the mean time, however, much that pressed for instant adoption would be delayed with great peril to the country. Much that was refused might be immediately granted with great advantage. Deep and fearful traces had been left in the feelings of the Irish, by the harsh treatment of this country; and those traces could not be effaced but by Catholic emancipation. He had not intended to have said so much, but he could not remain silent on such a subject. The hon. member concluded by expressing his thanks to his hon. friend for the able, temperate, and convincing manner in which he had brought forward the motion; to which he gave his most cordial support.

Mr. Secretary *Peel* said, he entirely

agreed with the hon. mover, in deprecating every topic of exasperation, and every expression that could aggravate disappointment. So sensible was he of the force of this recommendation, that nothing which could be said, however provoking, should divert him from the course dictated by his sense of duty. If any thing could divert him from that course, it would be the observations of his hon. friend who had just sat down. His opinions upon the Catholic question, he had entertained ever since he had entered on public life; and in doing so he had had the good fortune to concur with his hon. friend until within the last six weeks. His hon. friend now seemed to expect an apology from him, for continuing of the same opinion. His hon. friend thought it necessary to call upon him to explain why he, too, was not converted by the evidence of Dr. Doyle, telling him that the cause was hollow, that the ground was utterly untenable. Now, he admitted that if his hon. friend felt the ground untenable, that was a sufficient reason for his abandoning it. He admired his hon. friend's sincerity, and if he himself had felt the same motives, he would have followed the example of his hon. friend, and defied all attacks for so doing. But, he would beg to be allowed still to occupy ground which he did not feel untenable. He would beg to be allowed with those who thought with him, to continue of the same mind, seeing that the same light had not broken in upon them which had broken in upon his hon. friend. About six weeks ago his hon. friend had presented a petition from certain Orangemen complaining of certain calumnies, and had expressed a determination to press the matter to inquiry. He had thereupon besought his hon. friend to forego his intentions, and not to provoke any unnecessary discussion. He had addressed his hon. friend as the chosen advocate of the Orange party in that House; and it was certainly too much for his hon. friend to turn round and accuse him of a want of uniformity and of having no system. Wrong in his opinions he might be, but surely they were uniform and consistent. Of all persons, his hon. friend was the last who ought to bring the charge.—With regard to the question of Catholic emancipation, he never approached it without reluctance. He could safely affirm, that he had on no occasion stood forth to oppose the petitions of the Catholics without a feeling of deep regret at being obliged to resist the claims of so large a body of his fellow-subjects; for whom he entertained all those friendly sentiments that he felt for all classes of his majesty's subjects, but whose applications he conceived it to be his bounden duty to the constitution decidedly to oppose. Nor could there justly be made a charge of want of cordiality amongst the different members of the administration; and for the truth of this he would confidently appeal to his right hon. friend near him, the most powerful and eloquent supporter of the Catholic cause in the government. The difference of opinion on this question had not impeded any of the duties of government. His most earnest desire had ever been that the law should be impartially and indifferently administered between Catholic and Protestant. Let it be proved to him that in any case the contrary had happened, and he would be the first to propose that the injustice should be remedied. He thought that every favour which might be extended to the Roman Catholics ought to be extended in proportion to the respectability, rank, and opulence of the candidates for them. Into the discussion of the Catholic question, on which he had before troubled the House on many occasions, he did not at present mean to enter. He would only add, on that point, that whatever differences might subsist between him and some of his hon. colleagues on this question, he would not hesitate in other cases where no such differences existed, to give them his most cordial support. His hon. friend had referred pretty largely, but surely somewhat irregularly, to what had recently taken place in another House. It was hardly necessary for him to insist that this reference was by no means strictly in order. But the right hon. baronet opposite had gone further; for he had referred to the proceedings in committees of the other House. The right hon. baronet had even gone to the extent of pointing out what questions ought and what ought not to have been put in those committees to the witnesses. But how was it possible for the right hon. baronet to form a judgment as to the propriety of questions that were to be put to witnesses not before him—not before this House? It was really a very bad, as well as an inconvenient, practice, to allude in this manner to the proceedings of the other House.—But, he would now come to the dry parliamentary question on the motion submitted by the hon. member for Limerick; namely, whether or no certain despatches supposed to exist—for his hon. friend had admitted that of the positive existence of such despatches he had no knowledge—should be laid on the table of that House? But, he begged first to ask, before he alluded to any of those extensive questions which had that night been gone into, whether any parliamentary ground had been laid for the production of those papers? In the early part of the session a motion had been made for the suppression of the Catholic Association; and in a later period of it, a bill had been brought in for the relief of the Roman Catholics from their present disabilities. On the first of these occasions, notice of a motion was given by an hon. member for the production of communications which government might have received on the subject of the Catholic Association; but, so little importance was attached to it, that upon the night on which the motion was to have come on, no House at all was made. The second question had been carried through the House without the same sort of motion for papers being renewed. Yet now, when both those questions had been discussed, the hon. gentleman moved for the production of papers that could only have been called for, he should have thought, on one of those preceding occasions—and of papers which he supposed only, but did not know to exist. The hon. member called for their production—and, for what purpose, now that both those questions had been disposed of for the present? Why, in order to convert the House of Lords! But in the alternative of such supposed papers never having existed at all, then he meant to propose a vote of censure upon the lord lieutenant, for having failed to transmit despatches of this character. Such parliamentary grounds he had never till now heard assigned for the production of any public papers. But, what were the terms of the motion?—"that all despatches relating to the origin, nature, and effects of religious animosities in that country be produced." There was no limitation, therefore, as to time or place. He must really ask his hon. friend to leave those who had the responsibility on their shoulders to judge, under such circumstances, whether the production of the papers intended by so extensive a motion would be productive of that good which he unquestionably contemplated. Of course, those papers might include all that the lord lieutenant had written to the government, relative to Orange lodges and Associations that now, as he believed, existed no longer. He sincerely hoped they did not, and that he should never see the day when they were revived. If they were extinct, could any good follow from the production of papers that might tend to revive the unhappy feelings that had once been excited? Could not his hon. friend suppose that there might be very good reasons for the government's declining, at this juncture, to produce any communications that might so have passed between them and the lord lieutenant? Upon all these grounds, he doubted whether, if the House were in possession of all these despatches, his hon. friend could effect any good result by his motion. At the same time, he felt no sort of wish to conceal what the real opinions of the lord lieutenant were. Those opinions were already matters of record; and he should but deceive the House if he did not explicitly state, that the same sentiments which that noble lord had expressed in his speeches formerly, and latterly by proxy, were still warmly maintained and cherished by him. For the reasons he had already submitted, he found himself under the necessity of opposing the motion.

Mr. *Brownlow* explained. He had not intended to accuse the right hon. gentleman of want of uniformity. On the contrary he was prepared to admit it. The want of uniformity of system, so manifest in the conduct of the government on this question, was what he complained of.

Lord *John Russell* said, that the explanation which had just been offered by the hon. gentleman had done away with the necessity, for the greater part, of the observations he himself had intended to submit to the House. The right hon. gentleman had accused the hon. member of speaking as if he supposed himself to be infallible.

Mr. *Peel*.—"I am sure I never said any such thing."

Lord *John Russell*—At any rate the right hon. Secretary had said, that the hon. gentleman was reading the House a lecture, or something to that effect, intimating some dissatisfaction with the tone of his speech. Now, he must declare that he had never heard a speech which had been less characterized by any thing like a dictatorial tone, than that of the hon. gentleman. As to the change of opinions which the right hon. gentleman had observed upon, there were occasions, undoubtedly, upon which it was not entitled to any respect. But, when he saw an individual possessing large property in Ireland, and extensive family connexions, like the hon. gentleman, exposing himself to great personal obloquy by conscientiously espousing a different opinion on a great public question from that which he had formerly entertained, then he must say, that change was a meritorious act of duty. As this was the last opportunity that might be afforded to members of delivering their sentiments on the affairs of Ireland, he was anxious to offer a few words on the subject. He had given his support to the two collateral measures, because they seemed likely to favour the accomplishment of the general question. His principal reason for supporting them was, that the golden opportunity which presented itself might not be lost for setting the Catholic question at rest; at the same time, he wished not to be considered as bound in future to support such measures if they should be brought forward. Without meaning to impute any unworthy motives to those members of the cabinet who were favourable to the Catholic claims, he was at a loss to know how they could reconcile it with their duty, to continue in office with persons who held that those claims ought never to be conceded. He thought it would be much better to have an administration strong in their united opposition to Catholic concessions: it would be worse for the Catholics, but better for the empire at large. He could understand times and circumstances when the resignation of ministers on such a ground might be uncalled for; such for instance, was the case of Mr. Pitt, who told lord Fingal (and he lord J. Russell, had it from lord Fingal) that his own opinions were quite in favour of Catholic emancipation, but the king would not hear of it, and he thought the war could not be carried on, if the government were dissolved, and it was of more importance to carry on the war than to carry the Catholic question. Now, this might have been very presumptuous conduct, on the part of Mr. Pitt; but it, at any rate, contained a plain and intelligible ground of opposition to the Catholic question. But, what was there in the situation of affairs at the present moment that could be compared, either in point of existing danger as to our foreign relations, or of the great advantage to be gained by a perseverance in rejecting the claims of the Catholics, with the period at which Mr. Pitt made use of this argument to justify the line of conduct which he adopted? The situation of the country was now, in all respects, essentially different from what it then was. What question was more important than that which involved Catholic emancipation? What question, the refusal of which was so surrounded with perils? In his view of the question, the state in which Ireland was kept deprived the country of that strength, in the estimation of Foreign powers, which it would otherwise possess. If we felt it right to threaten war, they would reply—"We know you cannot go to war; there is a wound which we will rip up if you attempt it, and that is—Ireland." If the vacillating conduct of the government brought on a convulsion in Ireland, how would the ministers be able to answer to the people and the throne? The king would naturally ask what had produced such convulsions? The ministers must reply—"Because we have denied your Roman Catholic subjects those rights and concessions which they required." The king must then complain, that those councillors whose oath bound them to advise him to the best of their cunning and ability, had not advised the adoption of a measure that would have averted so serious a calamity. This was his decided opinion; and as this might be the last opportunity afforded him in the present session, he felt it his duty to declare it to the House. It appeared to him that until the measure should be accomplished, not only was there no chance of tranquillity for Ireland, but of security for the empire at large.

Colonel *Bagwell* said, he could not describe the feelings with which he should return to his native country, after the rejection of the Catholic claims. He thought that the prime minister, when he dismissed the question, should have pointed out some substitute for tranquillizing Ireland [cheers!]. One noble lord had, indeed, suggested a remedy, but to him he would apply the old proverb, "There's nothing like leather" [a laugh]. But it was incumbent on the noble lord at the head of the administration to state what remedy he would provide.

Lord *L. Gower* said, he felt extreme

reluctance at feeling himself obliged to oppose the motion of the hon. member for Limerick. The course he should feel it his duty to pursue in parliament was now, and would, unquestionably, hereafter be, directed to the object of Catholic emancipation. If he thought the vote he was about to give would at all prejudice the interests of that great question, he should feel no hesitation in adopting a different course of proceeding. A time there was, when a certain degree of personal feeling and individual regard was mixed up with his convictions; but at present all his feelings were merged and forgotten in the overwhelming necessity of the measure, and to the accomplishment of that great and paramount question all the energies of his mind should henceforth be directed.

The *Chancellor of the Exchequer* said, that if he thought the production of these papers would tend to the advancement of the general measure, he should not resist the motion; and he should be equally disposed to accede to it, if he thought it would allay the irritation which might naturally arise from the defeat of the Catholic claims. He considered that to be the main ground on which the motion was founded; for although it had been stated, that the absence of the supposed information in the documents would incur a censure against the marquis Wellesley, he was quite convinced that his hon. friend had no indirect view of that kind in bringing forward his motion. But, he really could not see how the effect of tranquillizing the country would be produced by consenting to the motion. As his right hon. friend had observed, it was quite improbable that there should not be mixed up in the correspondence referred to, details of various kinds connected with the condition of that unfortunate country (for so he must call her) which being published, would unavoidably produce effects and sensations the very opposite to those which the hon. member for Limerick contemplated. On that ground alone he should think it inexpedient to comply with the motion. But, the very line of argument which had been taken on this occasion by his hon. friend was much more likely to conciliate and assuage the angry feelings which he deprecated, than any papers would be that his motion could include. He was anxious to do justice to his hon. friend for the tone and manner with which, at a moment of peculiarly angry feeling, he had opened this discussion. With respect to the last occasion upon which the bill that had been so much adverted to was before the House, he did not feel called upon to speak particularly, as he could only have weakened the effect which had been produced by the eloquent speeches of the most able of its advocates. But he had expressed his opinions on the subject pretty clearly, both by his speeches and his votes in former stages of that bill, and on the two other propositions that had been adverted to. Those votes he had given, but certainly not without great reluctance, hesitation, and difficulty. The noble lord (J. Russell) who had attacked the consistency of his majesty's ministers, had done them the justice to say, that he imputed to them no want of integrity; but still the noble lord had observed, that he could not understand how they could reconcile it to their consciences to remain in office. In the course of the last session, he had taken an opportunity to show, and he flattered himself that he had succeeded in showing, why the government considered that it was not inconsistent either with their duty or their honour, for ministers, upon questions wherein they were agreed, to act cordially and unreservedly with those who differed from them on this question. He could hardly, as a minister, expect to be believed in the full extent to which he was about to speak; but he would say, that if he thought he could forward the great question of Catholic emancipation by going out of office, he would resign to-morrow. He could hardly expect, he repeated, to be believed in this assertion, sincere as it was, without some allowance; but he made it to relieve his own conscience. At the same time, he would readily acknowledge that he could not see how ministers could be called upon to retire from the government, at a time when the country was generally satisfied with them, and when he did not know how a government, if the present one were now broken up, could be formed who should be unanimous on this question! But he deprecated the impression which it might suit the purposes of some persons to diffuse, but which he scarcely supposed was entertained by his hon. friend—that the question of Catholic emancipation was so hopeless as it was made out to be. He, himself was struck with the remarkable circumstance, that, of the Irish members who were formerly the most violent against it, a large number was added very lately to the supporters of this measure. Although it had been defeated in the other House of parliament, yet there were many peers who had thought it their duty to give a vote for the measure which they had formerly withheld. As the question had been narrowed to so small a compass, he conceived it unnecessary for him to enter further into it.

Lord *Graves* thought it his duty to defend his noble relative, the marquis of Anglesey, from the insinuations which had been made against him. His gallant relative did not state that he wished to turn his sword against Ireland. He had merely stated, that although he had voted for the Catholics on a former occasion, and had every desire to remove the disabilities of his fellow subjects in Ireland, yet he thought they appeared in such a threatening attitude, that it was his duty to oppose them in that instance—that was to say, to oppose their admission into the House of Peers and the House of Commons. The expressions he had used were technical, and ought to have been taken in a civil sense. His gallant relative had disinterestedly, fought his country's battles, and would never draw his sword unless it was to repel foreign invasion.

Mr. *Brougham* said, that he should but partially imitate the example of those who seemed to make the immediate subject of the motion a question of secondary importance, and, after despatching the matters recently touched upon in a very short digression, proceed at once to state his views of the arguments by which the success of the motion was attempted to be marred. The grounds upon which the right hon. gentleman opposite had taken his stand, he understood to be these; first, he asked, why the House was to be called upon to go back to an indefinite period, at which the correspondence was supposed to exist, and why the hon. mover had left the House so much at sea upon the subject? To that he should say, that if the right hon. gentleman had been sincere in his objection, it was quite competent to his parliamentary skill to apply an effectual remedy to the defect, by limiting the motion to some precise period. He (Mr. B.) as a friend to the motion, was willing to tender his aid for that purpose, by proposing to insert certain words; and he was sure his hon. friend the mover would have no objection to adopt the words "twenty-four, eighteen, twelve months," or any other probable period at which this correspondence might have taken place. The next objection was, that a great deal of the information moved for, could not answer any good purpose, and that the call could not have been intended for any other purpose, than to revive unpleasant discussions which had gone by. His answer to that was,—limit the motion to any extent that you please, always taking care that it be "without detriment to the public service"—the ordinary parliamentary limitation. The next objection was, and a most extraordinary and nimble evolution it was on the right hon. gentleman's part. "How," said he, "do you know that such a paper as that you move for is in existence?" His answer to that was, that if he doubted its existence before, he was now persuaded that it was in existence. Amongst the twelve reasons alleged, in the story, for not saluting, was one more powerful than all the rest; namely, that there were no guns and no powder; and would not the right hon. gentleman's best answer to this motion be, that there was no paper? Let the right hon. gentleman only declare that there was no such paper, and he (Mr. B.) should concur with him in opposing this motion; nay, he was confident that he could prevail upon his hon. friend to withdraw it. The other portion of the argument as to the papers answering no good purpose, he took to be founded upon the presumption, that because the sentiments of the marquis Wellesley upon the Catholic question were already known by the proxy which he had given in the House of Lords, no document could be wanted to throw further light on that subject. Upon this part of the argument he joined issue with the right hon. gentleman. He was anxious to see the despatch of the noble marquis, if it was only to mark the language in which he gave his opinion. The simple statement of his dumb proxy, unconnected with the relations which that bore to other measures which he was known to have recommended, was wholly unsatisfactory. It was known that, at the opening of the session, a recommendation was made in the king's speech, to adopt an armed law against the Catholic Association of Ireland, bottomed entirely on the reasoning of the king's viceroy, that such a measure was necessary to the peace of Ireland. This opinion of his was presented to the House as the result of the experience and observation of the noble marquis. But, did not the proxy subsequently given by that noble person, prove that such a recommendation did not come unattended by some suggestions of conciliation, having reference more or less to the measure of which he avowed himself the supporter? If any country was ill used it was Ireland; if any country had a right to complain it was England. But, the noble marquis had also a just cause of complaint. Instead of giving him an opportunity of making the country happy under the sway of an undivided, uniform, and consistent government, he was condemned to witness its distraction by two parties pulling different ways, counteracting each other, producing discord, disappointing the hopes of the country, and defeating that result which parliament had a right to expect. The country had a right to complain of the system of misrule and mismanagement by which its affairs were administered, and the noble marquis had a right to complain at being made the victim of such a system. Had he not a right to complain that one part of his recommendations (assuming always that he had coupled the suggestion of conciliatory with strong measures, until it was disproved), namely, that of strong measures, had been acted upon; and that the other for conciliatory measures, had been rejected? He was at least entitled to justice at the hands of ministers; for the strong measure which he advocated was passed, whilst the measure of conciliation, to which he had given, by his proxy, the most decisive support, was lost in the other House of parliament. —He (Mr B.) had heard much of the irregularity of alluding to what had occurred in another place upon that subject. According to strict parliamentary etiquette it was out of order so to do; but, what was the effect of such a rule? The members of this House were the only persons in the world who could not make the proceedings of the other House matter for discussion. In every private society, every debating society, every tavern, in the smoking room of every alehouse, all persons in England, Ireland, and Scotland, could safely and securely, without apprehending the consequences of a breach of privilege, discuss the conduct and opinions of every individual member of the House of Lords. It was, however, the lot of the House of Commons so to be tied up. Well, it was a case of necessity, and he must submit. He had no right to make any allusion to what was said in the House of Lords. But, there was nothing to prevent him—there he was on an equal footing with a stranger out of doors—from alluding to a liable which had been published, and which he expected to see prosecuted, both in England and Ireland—he meant a Speech purporting to be a speech of a most considerable person—of high military commanders the highest—of one near the Throne, the nearest—which had been circulated, as his hon. and learned friend made known, to his astonished ears, and he had no doubt the House partook of his astonishment, in Ireland, and which was printed in fair characters by Benbow, the greatest libeller both of religion and of government, and of persons, male and female, which modern times had produced, as the records of the court of King's-bench could testify. That libel had been circulated in Ireland — a speech which never was spoken, which never could have been spoken by the illustrious person whose sentiments it purported to express —by a noble peer. Of course his learned friend the Attorney-general would move to-morrow week, the first day of term, in the King's-bench, against Benbow; for nothing more scandalous, nothing more outrageous, nothing more monstrously injurious to the illustrious person in question, mortal fancy could devise, than to make him say—as was done in the pretended Speech—that when he came to the throne of these realms he would not govern according to the principles of the constitution, but according to a model and scale of his own—a scale which even James 2nd never dreamed of governing by, or if he did so dream, never whispered it to the world, when his conduct originated the bill of exclusion, or when it caused him to be actually excluded. James 2nd had never said any thing one-millionth part so scandalous as that which was attributed to the duke of York in this libel. He trusted that an example would be made of the printer here, and the circulator in Ireland, of this atrocious paper. He should be extremely happy to find that the Attorney-general had resolved not to follow his usual practice of filing an ex-officio information. To move the court of King's-bench would be more satisfactory; as it would afford the royal duke an opportunity of denying on oath, which he was sure he was very anxious to do, that he had spoken the speech which was falsely attributed to him.—But the royal duke was not the only person who had suffered in public estimation from the misrepresentations which had gone abroad. With respect to a noble marquis, who had been alluded to, he must say he thought he had been misunderstood. All that he had intended so say was, that if this country was to enter into a struggle respecting the Catholic question, it was better that we should do so now than at a period when we had a foreign enemy to contend with; and there he agreed with the noble lord. The noble lord had, perhaps, not being used to public speaking, expressed himself rather awkwardly; just as he (Mr. B.) might get into a scrape, if he were to come in contract with any of the noble lord's military operations. He now came to two right reverend prelates, who were represented to have maintained most extraordinary doctrines indeed. One reverend prelate, who had supported the Catholics before he became a bishop, but was now opposed to them, had—(would it be believed?)—being of sound mind, in order to prove that he and his right reverend brethren had no sinister motive in opposing the Catholic claims, but were actuated by nothing but what was most pure, referred to the case of the Seven Bishops! But, good lord bishop, very different were the two cases. The Seven Bishops opposed the king and the heir apparent to the throne: they resisted the encroachments of arbitrary power; for this they went to trial; and for this they were prepared to go to the scaffold. The good lord bishop should remember, too, that by his opposition to the Catholics, instead of exposing himself, as the Seven Bishops did by their opposition, to the liability of going to the Tower by water, to be there shut up, and afterwards brought to Westminster-hall for trial, exposed himself only to the danger of further promotion [a laugh]. The most eminent danger which he would run was that of being removed from his own see to another—it might be worse, but in the common course of things it would be better. Another great risk which the reverend bishop ran, was that of getting the extreme favour of the ruling party at court. The only jeopardy which he ran was that of going along with the high court party and the heir-apparent; and his extreme devotion towards the rising sun would not, as sometimes happened, operate injuriously to the right reverend father in God in the present reign; for, in the course he was pursuing, he would just do himself good in the present reign as well as in the next. Surely the persons who had put forth such libels on the right reverend prelate to whom he alluded, would be subjected to prosecution! What could be more scandalous than to make a right reverend father in God talk such unaccountable nonsense! That it was a libel, any body who ran might see—aye, if he ran as a bishop would, from Chester to Durham [a laugh]; or as a curate ran, which was, it was said, as the crow flew. He hoped all these matters, which greatly alarmed himself and others, would be set right at the earliest opportunity, by bringing the offending parties to trial. The House of Lords, however, were not, it seemed, placed under such restraint with regard to speaking of other assemblies as the House of Commons was. Now, what would be said, if he were to talk of a noble and learned lord in the other House, as that learned individual had, most conscientiously—for he was always talking of his conscience,—and must be taken to be more conscientious than any other man, because he said as much—had chosen to speak of two members of that House, whom he alluded to as lawyers "eminent in their own estimation?" He had taken the liberty on a former evening to say—he hoped it was no breach of privilege to allude to what he had himself said—that if lord Eldon did not think Mr. Plunkett an eminent lawyer, he was the basest of mankind to allow him to continue in his office of Attorney-general for Ireland for half an hour. But with respect to much of the trash which had been uttered in another place about the manner in which the Catholic bill was framed, he could relate an anecdote of a noble and learned lord, which might teach some persons the propriety of being more modest on such a topic. He was a kind of foster-father to the bill, and he therefore naturally felt some of that regard which parents were accustomed to feel towards their offspring! and he was not pleased, therefore, with the treatment which the child of his adoption had received in the other House. He remembered on one occasion, the noble and learned lord talked for about half an-hour about the provisions of a bill which had gone up to the other House. "Was ever" said the learned lord, "such stuff to be seen on the Statute-book?" There, by-the-by, the learned lord showed but a moderate acquaintance with the Statute-book; for there was no absurdity which might not be found on it. "What lawyer," continued the learned lord, "could have written this?" Thus, most conscientiously, advertising him—for the bill was his—to his clients, as a person who was no lawyer. It turned out, however, that the very parts of the bill to which the learned lord objected had been written by himself six months before, and he had forgotten it. He had pulled out of his pocket, in the presence of a near relative of the noble lord, the manuscript with all the absurdities in the learned lord's hand-writing to which he objected in the printed bill, and which he (Mr. B.) had introduced only in compliance with the learned lord's wish; having in the first instance objected to them himself. Remembering all these things, the rejection of the Catholic bill had not at all diminished the respect which he had, previously to that event, entertained for that august assembly. It gave him satisfaction, however, to know, that though that assembly believed they had set the Catholic question at rest by mustering their large majorities, it never would be set at rest, until that was done which alone could tranquillize Ireland; namely, giving her equal justice, and making equal law for the million as well as for the few. The opponents of the Catholics might send forth their military commanders, they might array against them their reverend prelates and their subtle lawyers, for the first time animated by the new light which appeared to have broken in upon them from the declaration of war, falsely ascribed to a royal duke. And here he must say, that this document appeared to have deceived even the premier, and to have warmed him into a degree of ardour, obstinacy, and pertinacity in adhering to a policy now exploded in the eyes of all reasonable men, which he had never before expressed so determinately or so dogmatically. They might, by the assistance of their proxies, and their forces from the west and the north, obtain a triumph—not over the House of Commons, for of themselves they should not think for an instant—but over Ireland, over England, over right, and over justice. That triumph, however, would be but momentary. They might now exult, but their tone of exultation would soon be turned into another strain. Of one thing let them be well assured—that they had not done with the Irish question by the vote to which they had come. It was not easy to stifle the cry of six millions of their countrymen, even if that cry were wrong, much less when it was the cry of right, of reason, and of justice, against mere brute power and unreasonable obstinacy, which set all justice at defiance. To the people of Ireland he would recommend submission to the law—bad, bad as it was; but he agreed with his hon. friend in counselling union—above all things union. Let no little personal piques or local differences divide them. Let not even considerable differences of opinion for one moment split those who should unite as one man, and who, if united, must conquer. The lords—the bishops—the heir presumptive to the throne—the king upon the throne—all could not defeat them; nothing could do that but their own disunion and violence. He had now to say a few words respecting the disunion in the cabinet on the subject of the Catholic question. It did appear strange that the country should be governed by ministers who could agree upon the question of joint-stock companies, but could not agree upon a question which distracted a great part of the empire. In Mr. Pitt's time, that minister was accustomed to say, that he could not attend to the Catholic question whilst he had to watch the emperor Napoleon; but now Napoleon was dead, and the Catholic question was the only important question which could arrest the attention of government. Mr. Pitt, too, used to say, that the late king would not hear of the Catholic question. His late majesty was an elderly man, of formed habits, and his scruples were conscientious, and therefore entitled to some respect. His present majesty, however, was not in the same situation as his father. He was, to be sure, a man well stricken in years, though not of a very venerable age, and had no conscientious scruples that he had ever heard of with respect to the Catholic question. On the contrary, his majesty had always stated that he was in favour of Catholic emancipation. He had repeatedly given his pledge in private to support the question; and he appealed to the members of the cabinet, to say whether his majesty's opinions were not still unchanged.

Mr. Secretary *Canning* rose to order, and observed, that as no answer could be given to the question of the hon. and learned member, he must perceive the impropriety of persisting in a course of argument from which no result could be obtained.

Mr. *Brougham* said, he would pursue the matter no further. His object had been to show, that the scruples of the sovereign, which rendered the question a difficult one in the late reign, did not apply to the present. He could not help feeling regret that those members of the cabinet who were favourable to the measure should compromise with their colleagues who were opposed to it. He hoped to see the day, however, when a stand would be made for the question of Catholic emancipation. Let the friends of that question make that stand when they might—and he feared that they would not make it until later than they ought to do—it was an act which must cover them with glory in the eyes of the House and of the country. If it so happened that they left office, they would, indeed, be quitting the smile of the court, but they would quit it for the gratitude of the nation, and for the still more delightful and imperishable reward, the applause of their own hearts and self-approving consciences. To address himself, however, to those—if any there were—who might treat recompenses like these as visionary things—who might consider the applause of a country, and the feelings of self-approbation, as topics pleasant to declaim about, but not in practice, very profitable or desirable—to those gentlemen he would suggest, that there would not be much risk in making the stand which he adverted to; for he did not think that the sacrifice of places would be demanded. He should not be suspected of overrating either the weight or the value of the persons now in office; but it was not taking too sanguine a view of their strength to tell them, that they might carry the Catholic question, if they put that strength to a proper and determined use. It would not be found desirable, whatever their demerits were, to have them in opposition—and in an opposition, too, backed by the opposition already existing, countenanced by friends in the cabinet, and supported by the whole country. He did not much expect —although he had in his time seen strange things—to see an administration formed out of the hon. member from the West of England, and the hon. member for Somersetshire, to co-operate with the right hon. Home Secretary. He could not deny that such a ministry might be formed; nor even that it might possibly last some time. But it would not last long. Those persons who, on a late occasion, had prevented the right hon. Secretary for Foreign affairs from quitting his native country, would interfere again, if they found him resolute; and would rather acquiesce in his opinions than suffer him to quit his place. He might enjoy one of the highest triumphs which it was possible for ambition to conceive; for he again gave it as his decided opinion, that it was impossible to try the step which he advised, without the certainty of a glorious victory. These were the feelings which he entertained on the present question. He had stated them hastily, as they arose in his mind, though more lengthily, perhaps, than had been agreeable to the House. His hope still was, and his prayer, that the friends of Catholic concession would enter into some compromise and save Ireland; but if they did not, still he would not despair of Ireland; nor would he ever despair of a cause which had the strength of right, as well as the strength of numbers to back it. The Catholic cause had principle to build itself on, and popular favour to support it. Let Ireland be but true to herself—let unanimity prevail among her children—let violence give place to opposition, directed steadily, systematically, and constitutionally, against a government in which they could not for a moment reasonably trust: let Ireland only adopt this course, and he had no doubt, that, by herself—if left by those who called themselves her friends—by herself, she would work out her own salvation.

Mr. *R. Martin* said, he rose to supplicate his hon. friend not to let the question go to a division, as if a large majority was obtained against it, it would appear as if the Catholic cause was receding in that House. He would, however, vote for the motion in case his hon. friend should insist upon having it put.

Mr. *Plunkett* said, that as the object of his hon. friend, in making the present motion, was to advert to the Catholic question, under the circumstances in which it was now placed, and as he had succeeded in that object, he agreed with his hon. friend who had just sat down, that it would be much better not to press the motion to a division. As far as he could understand his hon. friend's motion, the despatches were not required with reference to any measure that was before the House, or to any measure that it was intended to bring before the House; it was merely, therefore, for the purpose of abstract discussion that the papers were required, or for some motion that was to take place at some other time, and under other circumstances. It was a measure introduced under the supposition that there were some such despatches in existence; or, if it was found that there were not, that there might be a charge of inculpation raised against the noble lord who represented his majesty in Ireland. He trusted that the House would not sanction the measure in either case, and he would there take leave of the question. An assertion had been hazarded by an hon. gentleman, that when any measure of hardship or restriction was recommended to the government by that noble lord, the recommendation was immediately acted upon; but that when he started any idea of grace or favour, or kindness towards the Catholics, the recommendation passed unnoticed. He did not know that he could personally speak to the despatches of the noble marquis, but he believed that he was pretty well acquainted with his sentiments; and, as far as he could judge, there had been no measure, either of inquiry, grace, or favour, recommended by him, which the English government had not in the fullest extent attended to. Having said thus much, and just taking leave to add, that, upon the Catholic question generally, he believed the sentiments of the noble marquis to be entirely unchanged; that his opinion as to the paramount necessity of the measure was as strong as it had ever been at any period of his life; having said this, he should pass by that part of the question, and trouble the House with a few observations, in reply to those which had fallen from the hon. and learned member for Winchelsea. With respect, then, to the subject of Catholic claims generally, he thought it impossible there could be more than one opinion; namely, that the country was left, by the recent decision, in a situation deeply to be lamented by those who desired its prosperity and its happiness. The difficulty was not merely that the question of Catholic emancipation had failed to be carried, but that there stood avowed a positive opposition of opinion upon it between the two Houses of parliament. He had, in the early part of the session, stated, that he found the members of his majesty's government not agreed on that subject, and he had given at that time his reasons for his opinion, that a government might be so divided upon that point, and yet that he himself might consistently act with it. He did not mean to follow his hon. and learned friend through the entire of his speech, with reference to that point, but should confine himself to giving the same answer to those arguments which he had done on the former occasion, and apply himself solely to the question of a divided government. There was another question not of much less vital importance in the eyes of hon. gentlemen opposite; and yet, if he was not much mistaken, he had heard one of the hon. members opposite, who declaimed most loudly against a divided government, say that he should feel no hesitation in forming part of an administration which might be divided in opinion upon the subject of parliamentary reform. He did not mean to say, that the measure of parliamentary reform ought to be a sine qua non with those hon. gentlemen; but merely to claim from them the same indulgence from government on the Catholic question, which he would extend to them on the question of parliamentary reform. He had, early in the session expressed his conviction of the necessity for carrying the Catholic question. It was subsequently brought forward by his hon. friend the member for Westminster, without his advice having been taken. Had his opinion been asked at the time of its introduction, he should certainly have said, that the period chosen was unfortunate; but he had not thought fit to volunteer that declaration after the bill was before the House, and he trusted that he should have credit, as far as his humble powers went, for having constantly supported it. In that which had happened, all circumstances taken into view, he found nothing peculiarly to excite surprise; but still less did he see any reason for despondency as to the eventual accomplishment, and the speedy accomplishment, of the great measure; for he agreed entirely upon this point with the hon. and learned member opposite, that the success of Catholic emancipation could not be prevented unless by the egregious folly of the Catholics themselves. If they would only be tranquil and firm, and resort to no other arms than those with which the constitution supplied them — if they would only be content to do this, the success of their cause was as certain as its justice. In fact, no opposition could continue to be effective for any length of time. The measure was one which, of necessity must make its way. For the charge that the Roman Catholics themselves were careless, as to its accomplishment he cared nothing. If it could be shewn that they had all abandoned it, his opinion as to its policy would remain unchanged. If the Catholics were to come forward to-morrow, and state that they cared nothing as to the event of the measure, he should say that they were hypocrites, and did not deserve to be believed. He would prefer believing that they were false, to admitting that they were degraded. For it was his conviction, that there was no security for any country, in which five millions of its inhabitants were supine, with regard to the possession of those rights which properly belonged to them. They must be, indeed, the basest of the human race—they must be predestinated slaves—to feel nothing but indifference for such incalculable blessings. That this question must be decided soon, and that by its accomplishment, he entertained no doubt whatever. When, then, he was asked, why, entertaining such opinions, he consented to continue a member of a divided government, he should ask in return, would the retirement of those who were friendly to the question assist or retard its progress? He unequivocally said, it would be an injury. It would postpone the accomplishment of the measure to an indefinite time. It would be the signal for a flame in Ireland, which those who raised it might fruitlessly attempt to allay. A right hon. gentleman had said, on a former night, that rather than not to obtain the success of that measure, he ought to retire from office. He trusted he had, throughout his whole life, proved, that office, and that office only, was not his object.—He had once retired from office from a conviction that he did right. He had never regretted that retirement. It was the pride of his life that he had done so; and having retired on a former occasion, from principle, he would do so again. His hon. and learned friend, in describing what had occurred in another place, had repeated some expressions said to have been used by a very high, a very dignified, a very learned person, who, in speaking of him as Attorney-general for Ireland, was reported to done been so not in very flattering terms. Those observations had, when he first heard of them, given him great pain; for he should have felt much mortified if a person so high in his majesty's government should have said any thing of him calculated to wound his feelings. He had the satisfaction to state, however, that he had had a personal conversation with that learned lord, who had unreservedly declared that he had never entertained even the most remote intention of giving him offence. [A murmur here was heard from the Opposition benches, which was followed by cries of "Order order."] He believed he was not out of order. Surely it was not unnatural, looking to the high quarter from which the words in question were said to have come, that he should feel some anxiety as to the intent of them. The result, however, was, on his part, the most perfect conviction, that nothing like offence or want of kindness, had ever been contemplated. Under these circumstances, taking it for granted that the motion of the hon. member for Limerick had only been made for the sake of discussing the general question, he should sit down by declaring that his zeal on behalf of that question remained unabated, and that he thought he should best promote the interests of it by retaining his office.

Mr. Secretary *Canning* rose, evidently labouring under severe indisposition, and spoke, for some time, in a tone so low as to be scarcely audible. He began, by expressing a hope, that a very little persuasion was necessary, to induce the hon. member for Limerick not to press the motion which he had introduced to the House. There were, however, he said, some topics which had been alluded to in the course of the debate, with regard to the subject in which that motion had originated, which the House would, perhaps, excuse him, if he briefly referred to, in his turn.

Two views of the question had been taken by the hon. and learned member for Winchelsea, in neither of which could he at all agree. No man, he would venture to say, could attach more importance to the claims of the Roman Catholic population of Ireland than himself; but, at the same time, he could not admit to the hon. and learned gentleman, that the Roman Catholic question was every thing—that it was the only question interesting to the country; at least, that it was of such a nature as to overwhelm and absorb all other questions. Secondly; with regard to the reference that had been made by the hon. and learned gentleman, to the divided opinions of the members of the government, upon this question:—he (Mr. Canning) had never meant to say, that if a new government were about to be formed, it would not be desirable to have a uniformity of opinion in the Cabinet on that, as on every other important question. But, there was a very wide difference—and such a difference as no wise—he would even say no good—man, could fail to perceive, between the question of forming a new government upon a principle of unanimity, and of breaking up an existing one, because it happened to be divided upon one great subject.

He was perfectly ready to concur with his right hon. friend, the chancellor of the Exchequer, when he said, that if he could be persuaded that the sacrifice of his office would insure the settlement of the question of the claims of the Roman Catholics, he was willing and ready to resign. He (Mr. Canning) also, on his part, would say, with the most perfect sincerity of heart, that if he could believe, that his relinquishment of office would conduce to the settlement of the Catholic question, he would not hesitate a moment to make the sacrifice. Not that, when he made this declaration, he did not see—without meaning to overrate any public advantage contingent upon his continuance in office—that his withdrawing himself from the government would be attended with some public disadvantage; but, if such a step, on his part, would decide the settlement of the Catholic claims, and thus set at rest a question so perplexing to parliament and to the country—the good to be thereby obtained would more than counterbalance the disadvantage. His opinion, however—and he would frankly state it—formed upon recent and most anxious deliberation, was, that, so far from conducing to the success of the measure, his relinquishment of office, at the present moment, would only tend to throw the prospect of the success of the object which it was intended to serve to a greater distance than ever; at the same time bringing upon the country other evils of a most tremendous character. The opinion which he entertained was—as he had already said—formed upon recent and most anxious deliberation; in short, it was an opinion on which, acting conscientiously, he felt that he should be acting for the best [hear, hear!].

The hon. and learned member for Winchelsea had observed, that he could not fully understand the reasons which had been urged by his right hon. friend, the chancellor of the Exchequer: neither, perhaps, could he (Mr. Canning) himself expect, standing where he did, that he should be able to make himself quite intelligible to the hon. and learned gentleman. It was quite obvious, that the materials of the opinion which he was stating, were of too delicate a nature to be produced and handled in debate. But, he spoke in the presence of persons who perfectly understood him (though the hon. and learned gentleman was not one of that number), and before whom, therefore, it was not likely that he should speak at random: and, under those circumstances, and with this effectual though silent proof of the sincerity of what he was saying, he did not hesitate positively to affirm, that the course recommended by the hon. and learned member for Winchelsea would be fraught with calamity to the country.

This only he would add—that he (Mr. Canning) held himself now, and for all time to come, as perfectly at liberty to propound for discussion in the Cabinet, the Roman Catholic question, as any other question of national interest. But, he must, at the same time, reserve to himself the discretion of using that liberty, at such time only, and in such manner, as he might in his judgment and conscience think most expedient.

With respect to the Catholic question itself, in its present extraordinary position, he felt something like a difficulty in stating his opinion; because, whatever he might say, he was liable to one of two accusations. If he avowed, that he thought the question was not so forward in the minds of the people of this country as he could wish it to be, then he was liable to be charged with wishing—no! he would not say with wishing—but of risking the creation of the very evil which he deprecated. If, on the other hand, he stated confidently, that he thought it had made great progress, then he should be blamed for raising hopes which would not afterwards be realised.

Between these conflicting difficulties, he knew but of one course to follow—and that was, to speak the direct truth, according to the best of his judgment, let the consequences be what they may.

At the commencement of the present session of parliament, he had ventured to state it to be his belief, that the mind of the people of England was not sufficiently matured for the reception of the measure: for which expression he had been accused of throwing cold water on the measure, and of a wish to retard the progress of the bill. Different minds, no doubt, were in the habit of drawing different conclusions; but, from all that had happened during the present session, the conviction of his mind remained unchanged. At the same time, however, when he said this, he did believe, that, amongst the higher and more enlightened classes of society, progress had been made towards a more liberal view of the question; and that the resistance that was made to it generally, was, perhaps, rather of a passive than of an active nature. He thought further, that where the feeling of the country had been goaded into a more determined resistance, they had to thank the meddling interference of some of the intemperate or ill-judging friends of the measure.

But, whatever might be the fact as to England, the difference which manifested itself in Ireland was most striking. That measure, which had appeared originally almost in the shape of an appeal by one part of the population against another part, came now forward almost without dissent from any, and bid fair shortly to be recommended by all.

Such, then, being his view of the state of the question, he did think the probability was, that it would ultimately make its way. If any thing could retard its progress, it would be an expression of violence, or any interruption of tranquillity, on the part of the Irish Catholics; and, still more, any thing so violent and absurd as to change the question from one between Catholic and Protestant into one between the two countries — one which should array England, in its present temper, against Ireland.

He (Mr. Canning) had always urged the settlement of the Catholic question, as a measure which was to serve the interests, and knit together the affections, of the two countries, and to place the safety and prosperity of the empire on a solid foundation. But, it was impossible not to see, that in its direct and immediate consequences, the question touched England but partially and superficially; while, to Ireland, it was a vital question. One great fault of the argument of the opponents of the Catholic question was, that they inverted this obvious distinction. They treated the question as something superfluous and incidental, as relating to Ireland, while they argued its probable effects upon England, with the most extravagant exaggeration. The truth was, that if England alone were to be considered, the decision either way was of comparatively small importance; while, to Ireland it was the alternative of joy or wretchedness, of peace or discord—in short, it was every thing; it was all in all.

Although he was not at liberty to notice the discussions which had taken place in another House, yet he might allude to them through the impression which they had made on the public mind: and, he had no hesitation in saying, that the ground on which the Catholic Relief bill had been resisted was, in his opinion, quite untenable. The argument, as it was applied to the late measure, if it proved any thing, proved too much. If it were true, that the Catholic could not be a good subject of a Protestant prince, on the ground of divided allegiance, he could not be a good subject at all. Besides, he did not understand this argument of divided allegiance, this measuring a man's allegiance by a scale, as it were, of moral geometry. If we had but half the allegiance of the Roman Catholics, why was it that we had only half? Why had we not the whole Irishman in one allegiance? Homer, who was a better judge of human nature than Euclid, had answered the question. "A man," he said, "is but half a man, who has not the rights of a freeman."

In thus glancing at what had passed in another place, he was desirous of saying a few words in vindication of a noble friend of his (the earl of Liverpool), from the charges which had been brought against him by the hon. and learned member for Winchelsea. He was anxious to do this, not from any particular knowledge of the fact, but from a general knowledge of the character of his noble friend, which enabled him to reject the insinuation which had been made by the hon. and learned member as impossible. The hon. and learned member seemed to think —and the insinuation had given him (Mr. Canning) much pain—that the speech of his noble friend to which he had alluded, had been framed upon another speech, which the hon. and learned member had qualified with no very courteous terms, but to which he (Mr. Canning) would not even allude. His noble friend—he would tell the hon. and learned member and the House—was incapable of the conduct that had been thus imputed to him. If there lived a man in England who disdained to shape his opinion to the smile or the frown of any human creature, that man was his noble friend. Whatever his noble friend had spoken was, let the House be assured, his noble friend's sincere opinion—an opinion from which he (Mr. Canning) differed, but to the sincerity and disinterestedness of which he paid the most implicit homage. Indeed, if the hon. and learned member for Winchelsea had only looked to the whole context of his noble friend's speech, he would have seen the most marked, the most glaring, discrepancy between it and the other speech to which he had endeavoured to assimilate it. Who, among all the persons who had spoken on the subject—who had disposed so summarily, so conclusively, so satisfactorily, of the idle objection, that the Coronation Oath was an impediment to the removal of civil disabilities, as the very person whom the hon. and learned gentleman had represented as having framed his speech wholly in conformity to that doctrine? When the hon. and learned gentleman considered, with how much more weight his noble friend's denial of this doctrine of the coronation oath came from his noble friend, than it could possibly have come from any individual entertaining a favourable view of the Catholic question, surely he ought not to have condemned so unequivocally a speech, which, in this respect at least, had done a signal service.

He would not trespass further on the patience of the House. He had risen with no purpose of arguing over again the general question. He would add no more, except his earnest recommendation to the hon. member for Limerick, not to press his motion to a division. The relative numbers on such a division would but tend to give the Catholics of Ireland a fallacious impression of the opinion of the House. It could not be supposed that, either personally or officially, he (Mr. Canning) undervalued the opinions of lord Wellesley. As the personal friend of lord Wellesley, he was perfectly satisfied that his opinions had been fairly and duly considered by the government: and, as a member of that government, he would say, that if the hon. member entertained suspicions of another kind, he could assure him, that the production of the despatches for which he had called would utterly falsify his conclusions. Under these circumstances, he trusted the hon. gentleman would not press his motion to a division [hear, hear!].

Sir *F. Burdett* said, he must confess, that the speech of the noble lord, which had been so often alluded to in the course of that night's debate, had struck him as a most extraordinary effusion. He believed that a speech had never yet been made by any public man which produced an effect on the country more unexpected, and more painful to those who supported the great question of Catholic emancipation. They had been encouraged to hope that there was at least some mitigation of the hostility with which that noble lord had hitherto met the Catholic claims; and, at the very moment when the country expected, if not his support of the question, at least a very mitigated opposition, he had adopted, for the first time, a tone of uncompromising violence, to which he had never, upon any previous occasion, resorted. He (sir F. B.) however, agreed with the right hon. and learned gentleman opposite, the Attorney-general for Ireland, in the view which he took as to the ultimate success of the question, while he felt great satisfaction in the belief that it had been more advanced by the discussion during the present session than at any former period. He could not agree with the right hon. Secretary, that there was any thing like a strong feeling against the Catholic claims, in any class of the community. He knew not whether it arose from a more sanguine temperament, or from his anxiety for the advancement of the cause; but he certainly did think that he perceived a very different feeling with regard to this question among the public at large; not only among the enlightened, liberal, and informed classes, but even among that uninformed portion of the public, in which an indolent and bigoted prejudice prevailed for a long period in this country. The strongest proof of this was, that whenever the question had been brought before large bodies of the public, they had uniformly supported religious freedom, and opposed that bigoted and intolerant spirit which resisted the admission of the Catholics to a participation in the benefits of the constitution. As a specimen of the feeling which prevailed, he would not say among the uninformed, but among the working classes of the community, he begged to refer the right hon. gentleman opposite to a meeting which had taken place at Manchester, and to remind him of an excellent speech made on this subject by a common working man—a speech full of wisdom, sound sense, and good feeling, and in which the sentiments uttered by the speaker would have become a man in any rank or station. To him it was a subject of great pride, that such a specimen of the common working people of England could be exhibited to the world. These, and similar considerations, afforded to his mind a strong conviction that ere long the question must be carried. The right hon. Secretary had, in his opinion, given much more credit than it deserved to his noble friend's concession with regard to the coronation oath. It was no very violent proof of the noble lord's independence of spirit to express a difference of opinion as to the single point of the coronation oath, when the main purport of his speech was in such perfect conformity with the model from which the right hon. Secretary now attempted to persuade the House that he had, in that instance, magnanimously swerved. He (sir F.) took it, that the illustrious person who had been alluded to—or rather who must not be alluded to—however scrupulous he might be about the coronation oath, was not very scrupulous about the reasons of those who were willing to come to the main point of supporting that side of the question, which he seemed to have taken so much to heart, and with respect to which, he had, in so extraordinary a manner, pledged himself to all eternity that he would never have any difference of opinion. He must confess, that the solitary instance of candid concession in the the noble earl's speech, on which the right hon. Secretary had been induced to place such reliance, was not a sufficient answer to those who imputed to the noble earl an undue compromise of opinion. There was another part of the noble earl's conduct to which he thought the public had a right to complain. Why, he would ask, on a question of such vital importance, had that noble person kept his feelings and opinions in a state of such mystery? Or why, rather, had he held out hopes to persons most likely to be informed, with which hopes they had inspired the country; thus raising expectations which were not only not to be realized, but for which it afterwards appeared, from the noble lord's violent and unstatesmanlike speech, there was less foundation than ever? He did think it a little hard upon these persons who had stood forward in support of the Catholic claims, that they should have been allowed to remain in that state of misapprehension and delusion, which led them to excite hopes, the disappointment of which might expose them to serious inconveniences, while the prime minister of the country kept aloof in that equivocal state, in which he appeared at one moment to encourage expectation, which he had determined not to realise. This was unjust to the Catholic deputies; it was unjust towards Catholic bishops and clergy; it was hard, for instance, upon a man like Dr. Doyle, who had been induced, by the ambiguous conduct of the prime minister, to express his concurrence in measures to which, but for the prospect held out, he might not have given his assent. Was this conduct on the part of the noble lord generous? Was it even just? In his opinion, it was ungenerous, unwise, unstatesmanlike, and that the public had a fair right to arraign it. The conduct of the noble lord was the more to be regretted, when it was considered that this question, at all times one of great importance, had become, since a recent declaration, still more important, and more pressing than at any former period. No one could tell what might be the consequences of delay. He should be sorry to hint at what might, by possibility, be the consequences, and he was willing to indulge a hope, that the Roman Catholics of Ireland would continue the same system of prudence and forbearance which they had hitherto found so advantageous to their cause. At the same time, it was impossible not to feel some apprehensions as to the consequences which might result among a people of such quick sensibility as the Irish, from hopes so strongly excited, and now so bitterly disappointed. That they would be able to stifle their feelings altogether, was more than any one had a right to expect from nature. The people of Ireland could not but feel acutely the injuries which had been so long continued, and which the prime minister of the country had declared that he would never redress. He trusted they would look forward, as he did, to the enlightened liberality of

England, and that they would continue to conciliate their Protestant brethren of Ireland—a point of the first and most essential importance. He did think that, when they came forward again in another session, backed by the greater portion of the Protestants in Ireland, and by the increasing information and liberality of this country, that this House and the public would decide on the justice of their claims in a voice which it would be impossible for a few persons in another place to resist. Some observations had been made about a divided cabinet on the subject. It might, perhaps, be difficult to procure a cabinet united on it, circumstanced as the government was; but this he would assert, that it would be impossible for that part of the government opposed to the Catholics to form a cabinet without those who were favourable to it; and therefore he might fairly conclude that those who were favourable might carry it if they pleased. It had been attempted, in the course of the debate, to draw a parallel between the Catholic question and the question of parliamentary reform; but those two questions, though both of the greatest importance, stood on different grounds in point of urgency. It could not be said, that reform was a matter of immediate policy and necessity; though, for his part, he could wish that the people of this country had somewhat of the same feeling as the Catholics of Ireland, with respect to their particular grievances, and that the doors of that House were besieged by petitions for parliamentary reform. It was not, however, a question of the same immediate urgency as the Catholic question, for who could tell what might happen, if justice to the Catholics of Ireland was much longer delayed? He did not see how it was possible to carry on the government without settling this question; for the country must be kept in a state of continual agitation until it was finally put at rest. He did not, indeed, like some hot-headed persons in another place, contemplate the possibility of a civil war. The coolness with which such an event had been contemplated was to him most marvellous; for, whether it were possible or not for Ireland to maintain a warfare against this country with the prospect of a final separation, which would be alike destructive to both countries; he would ask whether any rational man could imagine any thing more disastrous than the possibility of a civil war, with whatever prospect, or for however short a duration? Happily, the question did not stand on such grounds. It was agreed, on all hands, where it was considered without passion, and without prejudice, that it could only be settled in one way. They could not retrace their steps. If the violation of the coronation oath went for any thing, it was violated the very first time it was ever taken, and it had been especially violated during the whole course of the last reign. They had conceded so much to the Catholics, that it would be the height of folly and insanity to refuse to them the small instalment of justice which remained. There was but one just and rational way of dealing with the Catholic question. They could not exterminate six millions of people, and there was no choice between exterminating and satisfying them—the latter was an easy course; for they would be satisfied with bare justice. Until that course should be adopted, the country would be kept in a state of constant agitation. All its great interests, both foreign and domestic, would be affected by it. It became, therefore, the imperative duty of every public man in the country to use every exertion, to induce or compel the government to adopt that course without delay. He still hoped that this great question would be carried in the next session of parliament.

Mr. *Spring Rice* said, that the main object which had induced him to bring forward this question; namely, that of drawing the attention of parliament to the situation of Ireland, had been answered by the present debate, and he should not therefore press his motion to a division. The Catholics of Ireland, and of England too, were united and strong; and he hoped they would show that strength by temperance and moderation. He trusted that the Catholic bill would be carried next session by a still larger majority; and in that hope he would withdraw his motion.

The motion was then withdrawn.

HOUSE OF LORDS.

Friday, May 27.

KINGS MESSAGE RESPECTING DUCHESS OF KENT AND DUKE OF CUMBERLAND.] The Earl of *Liverpool* observed, that he would trouble their lordships with only a few words on his majesty's most gracious Message. He need not inform their lordships that the young princess, the daughter of the late duke of Kent, had been left under the care of her mother under very peculiar circumstances, and that no provision had yet been made for her support. Their lordships were aware that the provision which had already been made for the duchess of Kent did not exceed 6,000*l.* a-year, and that that provision had been made without reference to any issue she might have. He was sure their lordships would, therefore, readily concur in carrying into effect the recommendation of his majesty. There never was a person whose conduct had in all respects been more commendable than that of the duchess of Kent, since she came to this country. With respect to the other royal person for whose issue provision was proposed to be made, their lordships would recollect, that, since the present income of the duke of Cumberland had been settled, he had had a son, who was now about seven years of age. He was unwilling to advert to what had caused a difference of opinion on a former occasion, but though an increase of revenue had been granted to other branches of the royal family, the duke of Cumberland had received no addition to his income. Under these circumstances his majesty's ministers conceived that they were only doing their duty, when they recommended the sending down a message from his majesty to parliament, recommending, that provision should be made for the issue of the late duke of Kent and the duke of Cumberland. All that he had now to do was, to request that their lordships would agree to an address to the king, assuring his majesty that they would concur in carrying into effect that object of the recommendation contained in his gracious message. What would be proposed was, an addition of 6,000*l.* a-year to the income of the duchess of Kent, and 6,000*l.* a-year to the income of the duke of Cumberland.

The Earl of *Darnley* expressed his warm approbation of the proposed measure with respect to the duchess of Kent. He should do injustice to his feelings, if he refrained from declaring, that he considered her royal highness to afford an example of prudence and excellent conduct.

The motion was agreed to nem. dis.

EQUITABLE LOAN BILL.] Lord Dacre rose to move the second reading of this bill.

The Earl of *Lauderdale* reminded the noble lord, that an order had been made for hearing counsel for and against the bill.

Lord *Dacre* said, he intended to oppose the hearing of counsel. The object of the bill was merely to enable a company to sue and be sued by one of their clerks; a portion of their capital being invested in a manner calculated to afford considerable relief to the poor. This being the object of the bill, he could not think that their lordships would consent to have their time taken up with hearing counsel on such a question. The Equitable Loan Company proposed to act as pawnbrokers, in a way most favourable to the interests of the poor. Surely this was not a point on which their lordships could think it necessary to hear counsel. No question of law was at issue, which required the learning of counsel to clear up. As the affairs of the company were now conducted, no legal objection could be made to their transactions. The company was formed in imitation of several very laudable institutions on the continent; and had been promoted by laudable men distinguished by their talents and attainments. He was sure there must be some interested motive at the bottom of the opposition which this had received. That opposition came from the pawnbrokers; and he thought this should operate with their lordships, as an argument, in favour of the bill. He should oppose the motion for calling in counsel.

The Earl of *Lauderdale* thought he had reason to complain of the conduct of his noble friend, in opposing the hearing of counsel. His noble friend had said, that he was not present when the order was made for hearing counsel; but he had been present since, and he might have made a motion for rescinding the order on any day. His noble friend had, however, waited until a number of noble lords were collected together on another question; and he thus expected to obtain a support for his present purpose, which he knew he otherwise could not have found. He reminded their lordships' that this company now presented themselves before them in the character of an illegal association. He contended, also, that the illegality of it had been already proved by the decision of a court of justice; and for this reason, he thought the House could not refuse to hear counsel.

The *Lord Chancellor* said, that as his own opinion on this subject had been long formed, and that after mature deliberation, he had no wish to hear counsel; but, as his individual opinion happened to differ from those entertained by other noble lords, he was rather desirous that counsel should be heard. It was true, that the decisions of some of the courts had been against the legality of this company; and this formed an additional reason why counsel should be heard. It was said, that in November, 1824, a deed had been entered into by this company, in which they disclaimed acting as a corporate body; but, he could not see how, by any such contrivance as this, that which was illegal before, could afterwards become legal. Whatever was done by the House, ought not to be adopted until after serious consideration. It was their lordships' duty to guard against the mischiefs which were likely to ensue from the conduct of these companies. During the last two or three years those mischiefs had been suffered to spread to a most dangerous extent. It was true that many persons were connected with them, who were entitled to the greatest respect; but when it was stated that out of 40,000 shares of which this company consisted, all had been sold at a premium excepting 6,000, the public required some other security than the respectability, however great it might be, of certain individuals. What was to be done in the country if such practices were to be continued? It was not enough for the company in question to say that they were not now acting as a corporation. And here he must say, he should have been very glad if the lower courts had defined exactly what was acting as a corporation; because, if, when acting under a deed, the parties concerned did the same things as they could do under a charter with the great seal annexed, he did not know what that assertion meant. For the satisfaction of their lordships, then, he wished that counsel should be called in, not for his own; for if they had nothing to allege beyond the deed, he should feel it to be his bounden duty to oppose the bill. If they had any thing beyond that to urge, and could satisfy him that the company would not do any corporate acts, then the bill should have his consent to pass. He was no foe to joint-stock companies if they were for proper purposes, and under due provisions. There were many great national objects which could be accomplished by no other means, and which were fairly entitled to the privileges of a charter, or of an act of parliament. But, without such protection, nothing could be more foolish than to suppose that bills could be passed, only because they contained the clause, that the companies to which they related, might sue and be sued. Any lawyer would satisfy their lordships in ten minutes, that a more inefficacious and futile clause could not be inserted in a bill, and that nothing could be less of a security to the public. There was another circumstance which weighed with him considerably. It was this — that as the law was not now strong enough to compel the parties engaged in such undertakings to do justice among themselves, it was impossible that it could do justice between them and the public. The transactions of the Scotch commercial banks were all of this nature; and no man who thought of the inconveniences which might result from it would deny, that the law in this respect ought to be altered. While there was no dispute, the inconveniences could not arise; but when appeals should come from the courts of session, it would be found that all which had been done in the courts below must go for nothing. A more important case than this, whether it regarded the particular company now under discussion, or the general interests of the public, had not been before the House for many years. For this reason, he thought their lordships ought to hear counsel.

Their lordships then divided: For hearing Counsel 30; Against it 20. Counsel were then called in. Mr. Fonblanque addressed their lordships, against the bill; the Recorder of London followed, on the same side. After which the further discussion was postponed to Monday.

HOUSE OF COMMONS.

Friday, May 27.

Elective Franchise in Ireland Bill.] Mr. *Littleton* moved, that the order of the day for the further consideration of the report on this bill be discharged. The rejection of the Catholic Relief bill, in the other House, rendered such a step, on his part, necessary. Were the Elective Franchise bill to pass without the other, it would produce great dissatisfaction.

Colonel *Davies* expressed a hope, that

the bill would be brought forward at some future period, as a substantive measure.

Sir *J. Newport* hoped, that the suggestion of the last speaker would not be attended to. It would be most disgusting to the people of Ireland to pass such a bill unaccompanied by any measure of relief.

Colonel *Palmer* rose, and proceeded to comment upon the conduct of ministers, and the speeches made by Mr. Canning.

The *Speaker* interrupted the hon. member, to inform him, that it was irregular to found his observations upon what had been said by a member in a former debate.

Colonel *Palmer* said, that having given notice of his intention on a former night, he had conceived that he was strictly in order.

Mr. *Hutchinson* expressed his regret for the cause which had induced the hon. member to withdraw his bill; although he rejoiced that the measure was got rid of in any way, conceiving it to be most mischievous and unconstitutional.

The order was then discharged.

Oppression at the Cape of Good Hope—Petition of John Carnall.] Mr. *Hume* rose, to present a petition from a person of the name of Carnall, complaining of a series of acts of oppression to which he had been subjected at the Cape of Good Hope. When an Englishman went to any of our colonies, he imagined that he carried with him the rights of a British subject, but in this expectation he was sorry to say that he would, for the most part, find himself entirely deceived. The will and pleasure of the governors of colonies became the law of the land, and if any individual was unfortunate enough to incur the displeasure of a governor, he was almost sure to be made the victim of the most arbitrary and tyrannical oppression. Of this truth, the circumstances detailed in this petition, which were supported by the affidavit of the petitioner, afforded a striking illustration. The oppression to which this petitioner had been subjected, was of such a nature as to call loudly upon the legislature to institute an inquiry into the general system of our colonial governments, by which the liberty, the property, and even the lives, of his majesty's subjects were made dependant on the arbitrary will of the governors. It was necessary to state to the House, that the petitioner first became acquainted with a person of the name of Edwards, who practised as a notary at the Cape of Good Hope, in consequence of his having been summoned as a witness in a trial in which Edwards was concerned. On the 17th of September, Mr. Edwards was on his way from the Cape of Good Hope, in order to embark for Botany Bay, to which place he was sentenced to be transported for seven years, for having written a letter to lord Charles Somerset, in which he claimed redress for some alleged grievances at the hands of that governor. He had in his possession all the papers connected with this transaction, and he should be able, in a few days, to lay before the House a full statement of all the circumstances under which this iniquitous sentence was inflicted. Mr. Edwards, attended by the police officer, stopped at the petitioner's house, to take breakfast, and during the whole of this time the petitioner had no communication whatever with Edwards, except in the presence of the officer. Mr. Edwards, had occasion to retire after breakfast, and some time after, it was ascertained that he had made his escape. The petitioner declared that he was in no way accessary to this escape. At the time Mr. Edwards was about to embark, he was informed that lord Charles Somerset had, in a letter to the governor of the colony, instructed him to put him upon hard labour, and other degrading offices, which his pride and feelings as a gentleman, and a man of education, could not brook; and it was this circumstance, he believed, which had induced him to attempt to make his escape. On the news of Edwards's escape, a party under the orders of his majesty's Fiscal, proceeded to the petitioner's house, and took him into arrest. The petitioner sought in vain to obtain a sight of any legal instrument or warrant by which he was arrested; he was dragged from his home, conveyed to Cape Town, and confined in a cell 10 feet by 12, from the 17th of September to the 24th of December. He would ask, what would be the feelings of any hon. member who should thus be dragged from his home, and conducted to a cell of the dimensions he had described, with no other bedding than the mattress on which the dead were stretched, and that swarming with vermin? Yet, there was no man, whatever might be his property, or station, who was not liable, under the present system of our colonial governments, to be oppressed by the arbitrary will of the governor. The petitioner was subject to fits, and was afflicted with some severe paroxysms during the first ten days of his confinement. Under such circumstances, all assistance was refused to him, and he was not permitted to have the slightest communication with his family. On the second day he was furnished with a pen, but for the first ten days no one was allowed to enter his cell, even for the purpose of shaving him. By the Dutch law it was not in the power of the governor to keep any man in confinement for a longer period than eight days without bringing him to trial. This law was utterly disregarded in the case of the petitioner. He begged to call the attention of the House to what followed. There was no principle in the English law more clearly established, than that an individual who had been tried on a criminal charge and convicted, could not be tried again for the same offence. This principle had been set at defiance in the petitioner's case, for the sole purpose of aggravating the severity of his punishment. He was brought to trial before two Dutch justices, and found guilty of having assisted the escape of Edwards. But, upon what evidence was he found guilty? The House would be astonished to learn, that a man of high respectability, possessing considerable property in the colony, had been found guilty, on the testimony of his own slave girl, who had been compelled to give evidence against her master, under a threat of severe flogging, if she refused to comply. Such was the tyranny of lord Charles Somerset, that if any man ventured to open his mouth to object to his conduct, he was liable to be deprived of his liberty and his property, and to be persecuted even unto death. The petitioner was sentenced to a fine of fifty rix-dollars, and one year's banishment from the colony. It might have been supposed, that this was sufficient to satisfy the rancour of his persecutors; but his majesty's fiscal, not satisfied with this punishment, appealed to another jurisdiction, and again brought the prisoner to trial. On this second trial he was sentenced to five years transportation to Botany Bay. Upon appealing afterwards against this additional punishment, the governor, in his clemency, commuted it to five years banishment from the colony. He was further compelled to deposit a sum of 2,000 rix-dollars, by way of security for his compliance with the terms of his sentence, and this money had been detained up to the moment of his embarkation for this country. Even supposing the charge against this petitioner to have been true, the punishment was such as could not, by the Dutch law, be legally inflicted. The petitioner declared, that the power of his majesty's fiscal was of such terrific magnitude, that any man who was unfortunate enough to incur the displeasure of the governor, was sure to be tormented by the forms of law, deprived of his property, and compelled to leave the colony. The petitioner had returned pennyless to this country; he had applied to the government to obtain copies of the proceedings against him, but all documents had been denied him. He (Mr. H.) called upon the hon. Secretary opposite, to state the grounds on which the colonial department had refused to furnish the petitioner with the means of obtaining redress for the injuries of which he complained. There existed at the Cape a sort of society, under the administration of lord C. Somerset, wholly inconsistent with all good government. He did not blame that noble person so much as the government at home, for allowing him to remain there; and the House of Commons would be much to blame if they tolerated his continuance after this statement. He was ready to prove those facts before a committee; and lord Bathurst, also, had much to answer for, if, as he believed, all these acts were known at the Colonial Department. The case of the petitioner was well worthy of inquiry. He was entitled to the amplest pecuniary compensation for the loss he had sustained; reparation for all the other wrongs and degradation he had endured, it would be impossible to make him. He had simply confined himself to this particular case; but, if an inquiry were instituted, the House would learn the gross oppressions which that colony had suffered, was suffering, and seemed doomed to suffer, under lord C. Somerset's administration.

Mr. *Wilmot Horton* said, it was not his intention to enter into the merits of the particular complaint which had just been stated by the hon. member; but the hon. member had inculpated the colonial department, and to that part of the case he begged to address himself. The hon. member complained, that the petitioner had been subjected to certain punishment, having been convicted in a court of justice for having contributed to effect the escape of a prisoner under sentence of transportation. This was the complaint. Now, he would ask, was this the act of the governor? By no means. The petitioner was regularly convicted in a court of justice, and sentenced to transportation; and how the governor must necessarily be mixed up in the case, he was quite at a loss to conceive. The petitioner had applied to the colonial department for redress; but, he would ask the House whether it was the duty of those at the head of that branch of the government, to take the single testimony of persons like the petitioner, and upon his evidence alone to order the remission of the sentence? If such a course were to be pursued, it would be quite impossible that the government of any colony could be carried on. All that they could or ought to do was, to investigate into any allegation of practical injustice, and afford redress; and, upon this part of the subject he prayed the attention of the House. They all knew very well the extent to which accusations against the government at the Cape had been promulgated. If the hon. member supposed that the colonial department were ignorant of those charges, he was much mistaken; for since the 1st January, 1824, there appeared in one newspaper, no less than twenty-four inculpatory articles, and surely this was warning enough. But, what were the facts of the case? In the year 1823, commissioners were sent out to the Cape of Good Hope. Did the hon. member propose to cast any aspersions on their character, or for one moment doubt their integrity? Did he say they were improper persons to be intrusted with such a charge? If they should prove to be so, which he could not believe, then was the government greatly deceived. They had received certain instructions upon which they were to act, and they were to report the result of their inquiries to the government; but if, in the pursuit of those inquiries, any accidental delay had taken place, in consequence of sickness, or death, or in any other manner, the government was not to be blamed. They were sent to the Cape for the purpose of introducing a change in the Dutch law, with a view to assimilate it to the law of England. And, could such an important change as this be effected in a moment? He begged to remind the House, that they had to investigate the nature of the Dutch law and its administration, and to report to the executive government, the necessary information, with a view to remedy the abuses. At the very moment when this act was alleged to have been committed, there were commissioners actually in the colony investigating the law in question. He was very far from deprecating inquiry. On the contrary, as soon as the report of the commissioners should be received, he would lay it on the table. The House would be surprised at the mode in which these applications were made; and, indeed, the hon. member for Aberdeen was in some degree responsible; but it was impossible to credit the numbers of insulting applications made to the colonial office. All he asked the House was, to suspend their judgment until the report was received. The report, in one case, had been already received—he meant in that of Edwards; and if any gentleman wished to move for its production, he was ready to lay it on the table. In the particular case before the House he begged to state all he knew of it. The petitioner first laid his case and diary before lord Bathurst, and he himself (Mr. W. Horton) told him, if he had a specific complaint to make, to draw it up. The petitioner then wrote a letter to lord Bathurst, in which he complained, that "the injustice he had suffered had no parallel, and that nothing short of a remission of the sentence and a full pecuniary compensation would satisfy him." To this application an answer was given him, "That lord Bathurst had received no information respecting the judicial proceeding but from his own statement." The commissioners would include this case in the general report of the administration of justice; and of course, if a defect were found in the system, it would be remedied.

Sir *M. W. Ridley* said, he had received information respecting one of the commissioners, who had been in such a state of health as entirely to unfit his mind for pursuing the inquiry. If the whole country were searched for a man of the utmost assiduity, ability, and integrity, he did not know of one more qualified than Mr. Commissioner Bigg.

Mr. *Hume* said, that the government at home should insist, that whenever a complaint of this nature was made, in which the rights of a British subject had been violated; the governor should be bound to send home all the documents connected with the subject. If that rule were enforced they would hear of fewer complaints.

Ordered to lie on the table.

PROVISION FOR THE DUCHESS OF KENT, AND DUKE OF CUMBERLAND.] The House having resolved itself into a committee on the King's Message,

The *Chancellor of the Exchequer* rose. He said, that as the House of Commons had never been found wanting in inclination to manifest its attachment to the Crown upon occasions like the present, he should not think it necessary to preface what he had to offer, with any appeal to the dispositions of the House upon that subject. In the year 1818, a message had been brought down from the throne, announcing the intention of his late royal highness the duke of Kent to marry, and recommending that the House should take into its consideration what would be requisite for the dignity of the reigning family, and the honour of the country, upon such an occasion; and the House had then proceeded to make a grant of 6,000*l.* a year on the marriage of, in addition to the income already enjoyed by, the royal duke; with a further provision of 6,000*l.* a year for the duchess, in case it should so happen that she was left a widow. Now, that provision had been sufficient under the circumstances; but it had not contemplated the possible fact of the duchess surviving her husband, and being left with children. Of course it would be obvious that, situated as the members of the royal family were, money—to use a homely phrase—would not go so far with them as it would with other people. They had a state to maintain, which did not fall upon any other class of persons; and their charities, public and private, were considerable. Now, since this provision of 6,000*l.* a year for the duchess of Kent had been made, the duke of Kent had died, and a daughter had been born, who was now six years old. It could not be necessary for him, therefore, to point out to the House the propriety of giving a suitable education to a young princess so situated. The position in which this princess stood with respect to the throne of the country, could not fail to make her an object of general interest to the nation. He had not himself the honour of being acquainted with the duchess of Kent, or with that young lady; but she was six years old; and, as far as her education had proceeded, he believed the greatest pains had been taken with her. She had been brought up in principles of piety and morality, and to feel a proper sense—he meant by that an humble sense—of her own dignity, and the rank which, perhaps, awaited her. Perhaps it might have been fit to have brought this matter before parliament at an earlier period; but the duchess of Kent had been assisted by her royal brother, prince Leopold. That, however, was not the way in which a public question could regularly be dealt with; and, with respect to the duchess of Kent, therefore, his proposition would be—that an addition of 6,000*l.* a year, for the maintenance and education of her daughter, should be granted to her royal highness.—In the next place, it would be his duty to call the attention of the House to the case of his royal highness the duke of Cumberland. At the time of the royal duke's marriage, a proposition similar to that agreed to for the duke of Kent had been submitted to parliament, but had not been complied with. There had been, the fact was, some objection taken to the marriage. The duchess, from some cause, had not been received at court. These circumstances had probably influenced the conduct of the House; because, the only mode in which parliament could express its disapprobation of any royal marriage was, by withholding that provision which should be given for its support. Whatever the motive had been, the subject had been pressed a second time in the year 1818, and had failed; but parliament had then granted, as in the case of the duke of Kent, a provision of 6,000*l.* to the duchess of Cumberland, in case she happened to be left a widow. Since that time, however, a prince had been born—a son of the duke of Cumberland—who was now six years old. His position was certainly one of more remote proximity to the throne than that of the daughter of the duke of Kent; but still the country was interested in his education, and a suitable one ought to be given to him. One thing, above all, was desirable, that the education of this young prince—upon every account both moral and constitutional—should be in England. His intention was, to propose, with respect to the duke of Cumberland, that 6,000*l.* a year should be granted to him for the education of his son—intending that education to be given in England.

He should sit down, therefore, by moving, as his first resolution. "That his majesty be enabled to grant a yearly sum of money out of the consolidated fund of the United Kingdom of Great Britain and Ireland, not exceeding in the whole the sum of 6,000*l.*, to her royal highness the duchess of Kent, for the purpose of making an adequate provision for the honourable support and education of her highness the princess Alexandrina Victoria of Kent."

Mr. *Brougham* said, that the right hon. gentleman, in submitting his motion, had not deviated from the strict line of usage adopted on similar occasions, and had done no more than justice to the feeling which actuated the House. He was ever desirous not only to uphold the maintenance of the splendor and dignity of the reigning prince, but the splendor and dignity of all the other branches of the royal family. And if, in the whole of such a consideration, there was one point that was pre-eminently desirable, it was, to provide for the suitable education of the younger branches of that family. The proposition of the right hon. gentleman, was undoubtedly, extremely liberal. Still, he was not prepared to say, that on that account he should stand out against it. He was disposed most certainly to afford the fullest provision for that young princess, who was the presumptive heiress of the British throne. With respect to the refusal of former grants to the duke of Cumberland, he begged to set the right hon. gentleman right. It was not on account of the marriage of his royal highness, that the House of Commons refused the former proposed grants. If the marriage was improper, why was it not prevented by the advisers of the Crown, by the marriage laws: or, if it was felt to be unsuitable, why was it sanctioned by any subsequent offer of a settlement? But, it was not the marriage [hear, hear!]. He believed it was a rotoed dislike, whether ill-founded or well-founded he was not called upon to say; but he believed it to be a rooted dislike which procured the rejection of those grants. There most certainly existed a prejudice against that royal duke throughout the whole country—it was felt by man, woman, and child [hear, hear!]. The duke of Cumberland, it would be recollected, had already 18,000*l.* per annum, and the 15th regiment of Dragoons, which made his income 19,000*l.* a year. He lived abroad, not because he held any office, as the duke of Cambridge did, but he lived abroad to please himself. He lived in a cheap country too; where his income of 19,000*l.* per annum was equal to 30,000*l.* in this country. When, therefore, 6,000*l.* additional was asked for him and his family, why did he not shew himself amongst them [hear, hear!]? The House was called upon to grant an additional sum to sustain his and his family's dignity. Why did he not spend his income here, to maintain the dignity and splendor of the country from whence he drew his funds [hear, hear!]? How different was the conduct of his royal brother, the heir presumptive. How differently provided for, and he said so with regret, was the duke of York,—crippled as he was with debts. Yet, to liquidate those debts he has never applied to parliament [hear, hear!]. He resided in England. Why did not the duke of Cumberland follow his example? What was there to prevent his living here? How did they know, after the House had voted the money, that he would allow his son to come to England? He was not satisfied to vote the money for the education of that young prince on the mere expectation. He must be first satisfied, before the House parted with the money. He knew that the public purse was considered in a plethoric state; and certainly the present course was no bad means of relieving the extraordinary fullness. Let, however, the money be paid here, when the young prince arrived; otherwise there was no security for its being spent in this country. He would much rather subscribe to pay the debts of another branch of that august family, whose carriages were notoriously taken in execution in the public streets [hear, hear!]. Were not such circumstances calculated to sully the splendor of the royal family? Was it not of importance to secure the royal dignity against embarrassments and debts, the effect of which were to subject the illustrious personage, even when he visited a race-course, to such accidents, as honourable members, if it happened to themselves, would consider a permanent disgrace. It was impossible for him to conclude this subject without adverting to the great loss which this country had sustained by the death of the lamented duke of Kent. No man, who duly appreciated his talents, his enlightened opinions, and his habits of business, but must regret it as a great national deprivation. His private virtues survived in his illustrious widow, who was most assiduous in doing that which a mother was best fitted to do; namely, superintending the education of the infant princess.

Mr. *Hume* said, he must enter his protest against the principle of paying the debts of any member of the royal family, who was already provided with a most liberal income from the state. He had no objection to the provision for the princess, the daughter of the duchess of Kent. He thought that, in place of the large grant now asked, an addition ought to have been made three years ago, and gradually increased from that period. But though even he stood alone, he should oppose and take the sense of the House upon the grant to even the duke of Cumberland. After the two former decisions of that House, it was monstrous to have such a proposition introduced. At all events, let the young prince be brought to this country. He would undertake for 100*l.* a year to get him a better education than he would get abroad for the 6,000*l.* [Mr. Brougham said, in a low tone, "Aye, at the new University"]. Aye, resumed Mr. Hume, at the new university; but, in England it was essential that all the members of the royal family should be educated. If left in foreign countries, it was impossible that they should not, imperceptibly get impressions not congenial with the free principles of the British constitution. But he thought the duke of Cumberland was bound to educate his own children out of his 19,000*l.* a-year income. Why, would it be believed that his late majesty never allowed the duke of Kent above 600*l.* a-year, until he reached the age of manhood, and that sum was doled out at a pound a time by his tutors. No separate allowance had been given to the duke until he was thirty-one years of age. The dukes of York and Clarence were provided for earlier. He would not consent to vote a farthing more to the duke of Cumberland, until it should be proved that the 19,000*l.* a-year was not sufficient.

Sir *I. Coffin* expressed his hope, that the chancellor of the Exchequer would soon bring down a message from his majesty, recommending to the House to make a provision for the payment of the debts of the heir presumptive. To his knowledge his royal highness owed 12,000*l.* to his tailor alone.

Mr. *Monck* said, that if it were true that the heir presumptive was in such distress, and if a proposition was made for a grant for him, he would vote for it, because he wished to support the splendor of the Crown. He could not, however, agree to this grant of 6,000*l.* a-year to the duke of Cumberland to educate the young prince in a foreign country. He should wish to know how the monarchs of France, or Prussia, or Austria, would like to have the members of their family educated out of their own country. If he did not think that the allowance of 6,000*l.* to the duchess of Kent was much too small, he should consider the proposed allowance to the young princess as too large; but on that consideration he should not object to it. To the vote for the son of the duke of Cumberland, he decidedly objected.

Sir *C. Forbes* said, he should vote for both grants; and expressed his surprise that they had not been brought forward sooner. He had always thought it most disgraceful to the country, that prince Leopold should have been allowed to take upon himself any part of the expenses of his royal sister, in consequence of the insufficiency of her allowance. With respect to the duke of Cumberland, it was certainly true that he lived abroad, but it was also true that his income was no greater than when he was a bachelor. Why did he live abroad? Because he could not live in this country on his income. He hoped that the allowance would be made to the duke which ought to have been made to him at his marriage, and that the arrears from that period would be paid to him. He could not help expressing his astonishment at the dark insinuations that had been thrown out in the House against this prince; insinuations which would have been scouted, had they been levelled at any other individual. If any one had a charge to make against the duke of Cumberland, his royal highness was a subject of the realm, and amenable to the law. There seemed to be a disposition not only to condemn the duke unheard, but to punish him unheard.

Sir *J. Marjoribanks* expressed a hope that a message would be brought down, recommending to the House to make provision for the payment of the debts of the heir presumptive. There was no man more beloved as the soldier's friend, as the friend of the soldier's widow, as the friend of the soldier's child, than the duke of York. The skilful arrangements of the duke were the original source of those brilliant victories which had raised Great Britain to so eminent a rank among the nations of Europe; and he was convinced that such a royal message would be received with satisfaction from one end of the country to the other.

Mr. *T. Wilson* was willing to give his assent to the first proposition; but had some doubt with respect to the second. With respect to the duke of York, no man in the country was more respected, or was more disposed to do all the good in his power. He was persuaded that such a message from his majesty as that which had been adverted to, would give universal satisfaction.

Mr. *Bernal* said, that nothing could be more injurious to the members of the royal family than the attempts of injudicious friends to excite a feeling which, from circumstances, could not possibly be universal. When the proposition for adding to the allowance of the duke of Cumberland was formerly brought before that House, after much discussion, the proposed grant was refused. His royal highness, however, enjoyed 19,000*l.* a-year; and had resided for some time in Germany, where living was considerably cheaper than in England. It was difficult, therefore, to understand why he did not possess the means of educating his own son. The chancellor of the Exchequer, however, proposed a part of 6,000*l.* a-year for that purpose; but accompanied that proposition with a statement, that the royal child ought to be removed from the care of its parents, and educated in this country. If any insinuation had been thrown out against the duke of Cumberland, it was surely this observation of the right hon. gentleman. There was no reason to believe that his royal highness intended to live in this country. He, for one, could not consent to the proposed grant.

The *Chancellor of the Exchequer* denied that what had fallen from him, respecting the young prince, involved the slightest insinuation against the duke of Cumberland. He had never declared, that it was indispensably necessary to take him from his father. What he had said was, that as the proposed grant was asked for on the ground of giving the young prince an adequate education, it was the feeling of government, and of the king himself, that he ought to be educated in England. With regard to the objections, made on a former occasion, to an increase to the duke of Cumberland's allowance, they were founded in general, on disapprobation of his marriage; although he allowed that there were a few individuals who opposed the grant on personal grounds. If, however, personal dislike was really the ground for rejecting the proposed increase on the occasion to which he had alluded, it was exceedingly ungracious in those, who declared that the duke of Cumberland was the object of dislike and reprobation in the country, now to taunt him with not residing in the country. He had been asked, if he knew any thing of the state of the duke of Cumberland's pecuniary affairs? He really did not. He believed that, at one time, his royal highness was labouring under considerable embarrassment; but whether or not that was still the case he did not know. One cause of the residence of his royal highness abroad was, the delicate state of the Duchess's health, which required that she should avail herself of the baths of the continent. There was no reason to believe that the duke would not return to England, if, in point of income, he was placed on a footing with his royal brothers. But it would be most ungracious for the opponents of the grant to say, "We refused you an addition of 6,000*l.* a-year to your income because we disliked you; and we now refuse the proposed grant for the education of your son, because you will not come among us." As to the comparison that had been made between the expenses of the duke of Sussex and the expenses of the duke of Cumberland, it was groundless; for although the duke of Sussex was married, yet, as the marriage was contrary to the royal marriage act, his children were not princes of the blood; and besides, he lived in a state of separation from his lady, who possessed an income of 3 or 4,000*l.*, which she enjoyed either from the royal bounty or under an act of parliament; he did not recollect which. There was, therefore, not the slightest analogy between the two cases.

Mr. *J. Martin* said, that if he consented to add 6,000*l.* a-year to the 19,000*l.* already possessed by the duke of Cumberland, he should think that he grossly violated his duty to his constituents, by so appropriating any part of the money which was hardly wrung from them. To the other grant he had far less objection. He trusted, however, that the right hon. gentleman would not press his motion in the present thin state of the House.

Mr. Secretary *Peel* observed, that the absence of the hon. members was a pretty satisfactory proof that they considered the proposition by no means unreasonable, otherwise they would have been in their places to oppose it. With respect to the proposed grant to the duchess of Kent, it seemed to be generally admitted that it was necessary to enable her royal highness to continue to discharge her maternal duties in the exemplary manner in which she had hitherto fulfilled them. With respect to the grant, for the education of the son of the duke of Cumberland, he really thought the House could not seriously object to it, although the hon. member for Montrose had declared that he could provide an adequate education for the young prince for 100*l.* a-year; and had afterwards named the college which it was proposed to institute in or about London, mainly for the education of mechanics, as the very place for the son of the duke of Cumberland. The former objection of the House to the augmentation of the duke of Cumberland's allowance, were founded upon the marriage of his royal highness, which had not met with the approbation of a certain individual. Circumstances had now materially changed. If the House had refused to vote a certain increase of income to the duke when his royal highness had no issue, was that any reason for their now refusing to provide for such issue? If objection had been made to placing the duke upon an equality, in point of income, with his royal brothers, and if his highness had, in consequence of such refusal, been obliged to reside abroad, the more incumbent was it upon the House to provide for the education of his child. Whether that child was or was not destined to rule in future over these kingdoms, it was equally necessary that he should receive a proper education. The House ought to decide the question upon its own merits.

Sir *E. Knatchbull* said, he gave his most cordial support to the resolutions. But he was so anxious that the education of the young prince should take place in this country, that he wished to see some stipulations annexed to the resolutions by which that object would be secured. He wished also to know whether the enforcement of such a condition would involve the necessity of the royal duke himself residing in this country.

The *Chancellor of the Exchequer* said, that the provision now asked for had for its foundation the pledge that the young prince should be educated in this country. If the education of the young prince did not take place in this country, then he should be guilty of misleading the House. He was not authorised to state whether the duke, in consequence, of the fulfilment of the above condition with regard to his son, intended to take up his residence in this country.

Sir *E. Knatchbull* wished to ask, whether if the young prince remained five or six years abroad, and then repaired to England to commence his education, that would be considered as a compliance with the condition which was understood to be coupled with this resolution?

The *Chancellor of the Exchequer* said, he had no hesitation in saying it would not; and if such was the course that would be pursued, the object of the grant would not be answered, and he should be grossly deceived.

Mr. *Denman* said, he was aware that there was something very gracious in making grants to persons of exalted rank, and that it was considered niggardly, or even worse, to refuse a portion of the public money to one of the royal family; but, for his part, he thought that liberality to the prince should not be carried to the extent of becoming injustice to the people. He could not agree that the expense in the present instance was of no consequence; on the contrary, he thought it of the greatest consequence, as the present grant would set the scale of many other expenses. He was the more anxious to commence his opposition now, as he perceived that there was an eagerness in some quarters to follow up the precedent set by the ministers that night, and to multiply the examples of lavish disposal of the public money. No sooner had the resolutions of that night been submitted to the committee, than one hon. member stepped forward and declared, that he would not only vote the grant, but also for all the arrears since an addition had been made to the income of the other members of the royal family. Another faithful guardian of the public suggested the propriety of paying the debts of the duke of York, whom he semed to think the most popular man in the country;

and, as one item of those debts, a gallant admiral had informed the House, that the royal duke owed no less than 12,000*l.* to his tailor; so that, because of this gross extravagance, which would not be countenanced in a private individual, the country was to be plundered, and asked to make good debts to he knew not what amount. Every person was bound to know the extent of his own income, and could have no right to exceed that income, and then ask the public to reward his past, and encourage his future misconduct, by relieving him from his embarrassments. He, for one, could not consent to see the public thus plundered, without mercy and without shame. He thought the cases of the duke of Cumberland and the duchess of Kent totally dissimilar. In the former case, only 6,000*l.* a-year was granted to the duchess for the support and suitable education of the heiress presumptive to the Crown. Of the moderation of this grant, none entertained the least doubt; but then came the chancellor of the Exchequer with what he so oddly called "a more distant proximity," and was for extending the bounty of parliament to nephews, nieces, and to the third and fourth generations. Not one of these might come to the Crown, and the public, therefore, had little interest in them; nor could it be said that their education would be good in proportion to the number of thousand pounds granted for that purpose. [hear, hear, hear!] He could not see why the duke of Cumberland should now take 6,000*l.* a-year from the people, because he had had a son born six years ago. He already took from them 19,000*l.* a-year, all of which he spent abroad. His royal highness had thought proper to withdraw himself from the observations of the English public, and perhaps he had done wisely; if he thought it prudent to reside abroad, the last thing the House ought to do, would be to bring him back to reside in England. The government seemed to have taken the best possible care that the present grant should be unconditional. Now, he thought that the least the public could expect, at the hands of their representatives, was, that they should not grant away the public money for any object, without making the performance of that object the condition of the grant. The duke received a liberal allowance from this country, although it might not be so large as what was granted to his relatives, who had not been subject to public animadversion. Twice had the opinions of parliament been expressed upon the public maintenance of the duke, and he trusted that the opposition to the present measure would be vigorous and firm; nor did he despair of seeing it effectual.

Mr. Secretary *Canning* protested against the course adopted by members, of discussing the rights of persons hypothetically. He thought that an illustrious person had been most unfairly dealt by. His royal highness had abstained from bringing his private affairs before parliament, and it was a most unkind reward for such forbearance, to moot the point by supposititious arguments, whether if he did apply to the House, he would be deemed a fit object of relief. It was not by any person professing friendship for the duke of York that his name had been introduced; and yet the conduct of his royal highness had been discussed, as freely as if he had sued, in forma pauperis, for relief. With reference to the duchess of Kent, all parties agreed in the propriety of the grant, and if government had any thing to answer for on this point, it was for having so long delayed bringing it before the House. There could not be a greater compliment to her royal highness than to state the quiet, unobstrusive tenor of her life, and that she had never made herself the object of public gaze, but had devoted herself to the education of her child, whom the House was now called upon to adopt.—With respect to the other resolution, let the committee treat it as one that would give a provision, not to the duke of Cumberland, but to his child, who was next in importance to the object of the first vote. Two objections were taken to this grant, which appeared to him to destroy each other. It was said that the duke of Cumberland, with his son, resided abroad, and nothing, it was thought, could be more contaminating for a prince who might one day have to sway the destinies of this nation, than that he should receive his education in a foreign kingdom. It was then said, that the duke of Cumberland found it necessary to stay abroad; that he was so odious as to have been refused, in two discussions of that House, the benefit of an application made in his behalf. Now, the object of this vote was to secure the domestic education of the son, who was in a situation to become one day a successor to the Crown of England. The grant was asked for the use of this prince; not because he was the son of the duke of Cumberland, but because he stood in a relation to the Crown a little more remote, or, to use the words of his right hon. friend, because he was in a situation of proximity, but more distant proximity, than the daughter of the duchess of Kent, to the throne. The phrase had been excepted to by the learned gentleman; but he thought without foundation; for he believed the expression, "longiore proximus intervallo," was familiar to every classical mind. His right hon. friend had been asked, what security was there that the education of the young prince would take place in England? He would answer, that it would be the duty of his majesty's responsible advisers, to see that not one farthing of the grant was issued, unless the condition were complied with. It was said, that the House had already twice decided on this question. They had decided on the proposition of a grant; but not on the grounds now stated. The principal objection on the first occasion was to the marriage of his royal highness; and on the second occasion, the same ground was taken. It was objected now, that the royal duke continued to reside in a foreign country, and it was at the same time said, that there was a lurking dislike to him in this. Surely, if the latter were true—which he denied—it was cruel to make his residence abroad an objection. But, he did not reside abroad from any dislike to his country, or from a consciousness of being disliked in it. One reason why the royal duke resided in the country of his wife's relations was, that he had not the means of supporting himself and his family with comfort in England. The first pride of his heart, if he could have accomplished it with any degree of comfort to himself and his royal consort, would have been to live in the country in which he drew his birth; but as he was not able to do so, it was not unnatural that he should seek in her country, among her relations, those enjoyments which his fortune would not enable him to obtain in his own. The royal duke had now a child who was six years old, and therefore of an age when his education became a matter of importance. If there were any reasons which compelled the royal duke to reside abroad, as was insinuated, it was surely fit to rescue the child, who might be the future king of England, from the sphere of their influence. He contended, that the contingency to which he had just alluded was a sufficient reason why parliament should secure the education of the prince of Cumberland in this country. With regard to the securities which had been demanded for the child's education in England, he thought that they were to be found in sufficient strength in the responsibility of ministers, who were bound to see the grant applied as the resolution of the committee directed.

Sir *C. Forbes* gave his assent to both the resolutions. He recollected a conversation which he had with a member of the opposition, when the former proposal to increase the income of the duke of Cumberland was under the consideration of parliament. He was asking, how it was that so many members had come up three or four hundred miles from the country to vote against the proposition, and he was told that it was because the duke had assisted in outsting the administration of all the talents. He trusted that at present no such vindictive motive operated upon the mind of any individual, and complained, that the House had shown itself at all times too niggardly in making provision for those royal individuals whom it was bound to support.

Mr. *John Williams* wished the hon. baronet to reconcile, if he could, the empty benches of the opposition at that moment, with the unworthy motives he had assigned for their conduct. There was one objection to this resolution which he did not see how to obviate. The duchess of Kent had only 6,000*l.* a-year, whilst the duke of Cumberland had 19,000*l.* Why, then, was the same addition to be made to the income of both? He would vote for an amendment which went to reduce the sum proposed to be given to the duke of Cumberland.

The resolution was then agreed to nem. con. The chancellor of the Exchequer next moved, "That his majesty be enabled to grant a yearly sum of money out of the consolidated fund, not exceeding the sum of 6,000*l.* to his royal highness the duke of Cumberland, for the purpose of making an adequate provision for the honourable support and education of his highness prince George Frederick Alexander Charles Ernest Augustus of Cumberland."

Mr. *Cripps* proposed, as an amendment, that after the word "education," the words "in Great Britain" be added.

The *Chancellor of the Exchequer* said, that if he felt conscious of having endeavoured to induce the committee to agree to this resolution upon false pretences, he might not, perhaps, object to fetter the grant with the condition which the hon. member would add to it. After what had fallen from his right hon. colleague, and himself, he did not see how a more unequivocal pledge could be given to the committee than that it had already received. It was unnecessary to insert such a condition in the grant as the hon. member now proposed, unless it was his intention to let it go forth to the public, that the committee had been entrapped into this vote by a certain promise, without which they would not have consented to accede to it. On that account he could not acquiesce in the amendment. Besides, he wished to put it to the committee, whether the duke of Cumberland, with a knowledge of what had passed, would risk the loss of this grant by educating his son abroad. Even if the royal duke should determine to educate the young prince on the continent, parliament would at all times hold in its hand the means of recalling him to his duty. It could either address the Crown to withhold the grant, or repeal the bill by which it was placed at the Crown's disposal.

Mr. *Cripps* said, that in proposing the amendment, he had no intention to treat the pledge which the right hon. gentlemen had offered with any disrespect. As far as they were concerned he had no doubt that it would be religiously redeemed; but at the same time he must say, that if he were a minister of the Crown, he should be glad to have the words inserted in the resolution.

Mr. *J. P. Grant* said, he would not support the amendment, if he thought it implied any doubt in the sincerity of the ministers; but he should like to know what security the House had, that the present administration would keep their places, or that their successors would follow in their footsteps? If some future House should be disposed to act upon this subject, where in the journals would they find any record of the assurances of the present administration? If the amendment was not carried, the pledge now given to the House would not be recorded at all, and could not in future be acted upon, if the present administration should be dissolved. He should therefore support the amendment.

Mr. *R. Martin* said, he would vote for this grant unfetterred by any condition, on the ground, that the augmentation which it made to the income of the royal duke would enable him to return and live in this country.

Lord *Binning* said, that the amendment implied a want of confidence either in the government, or in the duke of Cumberland. If it were carried, there would be no possibility of the young prince ever going out of Great Britain; and he thought no such condition should be imposed

Sir *J. Newport* said, he placed great confidence in the pledge offered by ministers; but could not see any reason why they should refuse to accede to the amendment. He would not consent to make the slightest augmentation to the income of the duke of Cumberland, without a distinct pledge that his child should receive a perfectly British education. Ministers were able to give pledges for themselves; but what right had they to do so for the duke of Cumberland? It was said, that there was no intention to sever the child from the parent; and yet they had not been told that the duke intended to return home. Combining these two circumstances together, it appeared to him that the education of the child must necessarily take place abroad. He therefore wished to have some entry on the journals descriptive of the circumstances under which this vote was given.

Mr. *Huskisson* could not support the amendment. He contended, that as the prince of Cumberland was not far removed from the Throne, and as he might one day sit upon it, his education ought to be provided for accordingly. If the amendment were agreed to, it would become part of the law of the land, and the young prince could not be removed for any purpose from the country without the leave of parliament. If he left England, the officers of the Exchequer would be no longer justified in paying to his father any part of his allowance. Now, suppose it were thought advisable at some future period to send this prince abroad, either for his health, the benefit of his education, or for fleshing his maiden sword on the enemies of his country. That object could not be accomplished if the amendment was agreed to. Parliament had an interest in watching over the manner in which the young prince was educated; but the parents had a greater. He thought the purpose of the grant would be adhered to without the amendment; which was adding an unnecessary restriction.

Dr. *Lushington* said, he was prepared to give his confidence to the present chancellor of the Exchequer; but as the right hon. gentleman could not pledge himself that six-months hence a "no-popery" administration might not be in existence, and as he would never place the slightest confidence in such an administration, he must look for some stronger security than the word of a minister liable to removal, that the prince of Cumberland should be educated in England. A new minister might say, "It is for the interest of the Crown to have this boy educated abroad. I know nothing of any pledge which my predecessors have given. I go by the letter of the act." The leader of a "no-popery" administration might, out of mere gratitude to the duke of Cumberland, be anxious to take such a course, if it were true, that he had been formerly instrumental in ousting an administration favourable to the Catholics. He must, therefore, to guard against such consequences, vote for the amendment: for, a "no-popery" administration he would trust with nothing. The object of the resolution was, not to vote a sum of money to the sovereign to educate the prince, but to vote it to the sovereign to enable the duke of Cumberland to do so. He would vote that money with pleasure to the king; but on no account would he vote it to the king for the duke of Cumberland to dole it out as he chose for the education of his son. It was worthy the representatives of a great nation to see how the education of its future princes was conducted; but the present resolution would reduce the Crown into a mere conduit-pipe to supply the duke of Cumberland with money professedly for the education of his son, but really and truly for his own expenditure. He would trust to a resolution of the House; but he could not, and he would not, trust to the duke of Cumberland. That royal personage had not the confidence either of the House or of the country. He would not go back into any distant recollections of his conduct. The royal duke stood now in the same situation as he did in 1815. He had done nothing to alter the opinion parliament then entertained of him. All the ministers had abstained from saying that he had. They would not give him the money; they gave it for the education of the prince. It was intended, however, for the duke. Had it been asked in his name, ministers knew they would not have obtained the sanction of parliament. To shew that it was really intended for him, he begged the House to observe, that the duke had now 19,000*l.* a-year; the duchess of Kent only 6,000*l.*, and they were both to have an additional 6,000*l.*, making the income of the duchess 12,000*l.*, and of the duke 25,000*l.* But was not the duke quite as well able to educate his son on the 19,000*l.* as the duchess of Kent her daughter on 12,000*l.*, and this child nearer the throne than the duke's son? The duke might not return to the country where he drew his breath, and whence he draws his revenue. It was probable that he wished to remain abroad; and he (Dr. L.) would not give one shilling to bring him back. He would vote for the grant, if it secured the education of the prince in Great Britain.

Mr. *T. Wilson* thought it ought to be fixed determinately how the money was to be spent, and where, or they would stultify their votes in 1815 and 1818. He must support the amendment.

Mr. *Wynn* said, he had opposed the grant in 1815, and in 1818, and as he meant to vote for the present resolution, he wished to show that there was no inconsistency in the two votes. On the former occasions it was stated that the duke had no children, and that a larger income might be necessary if he had any. He thought the House was only redeeming the pledge thus given by now voting a sum for the education of the young prince. He objected to the amendment, as not giving the House one jot more security than they now had. It was not in their power to bind down their successors. He wished to see even the education of princes conducted under the eye of their parents. It was right that the Crown should be intrusted with a power of interference in cases where the parental authority was abused; but the exercise of it on this occasion appeared to him both unwise and unnecessary. After the debate of that night, could any man doubt that the education of this child would take place in England.

Mr. *Warre* supported the amendment, because there would otherwise be no security that this child would receive an English education.

Mr. Secretary *Peel* suggested, that the object of securing the education of the child in England could be as well secured by inserting a declaratory sentence in the preamble of the bill, as by the proposed amendment of the resolution, which would not be a respectful course to the Crown, as that resolution was an echo of the Royal message.

Mr. *Calcraft* contended for the necessity of a clear understanding that the child should be educated in England.

The committee divided: For the amendment 64; Against it 79; Majority 15. The committee then divided on the original resolution. Ayes 105; Noes 55; Majority 50.

List of the Minority.

Acland, sir T.
Allen, J. H.
Bailey, col.
Bent, J.
Benyon, B.
Bernal, R.
Bright, H.
Brougham, H.
Carter, John
Coke, T. W. jun.
Colburn, R.
Corbett, P.
Crompton, S.
Denman, T.
Farrand, R.
Fergusson, sir R.
Fitzgerald, lord W.
Grant, J. P.
Grattan, J.
Griffiths, J. W.
Guise, sir W.
Heathcote, J. G.
Heron, sir R.
Hobhouse, J. C.
Ingleby, sir W.
Knatchbull, sir E.
James, W.
Leader, W.
Lewis, W.
Lushington, W.
Maberly, W. L.
Macdonald, James
Martin, John
Marjoribanks, S.
Mildmay, P. S.
Monck, J. B.
Newport, sir J.
Osborne, lord F.
Phillips, G.
Phillips, G. R.
Price, R.
Rice, T. S.
Rickford, W.
Robinson, sir G.
Townshend, lord C.
Tulk, G. A.
Scarlett, J.
Shelley, sir J.
Smith, T. A.
Stanley, E. G.
Smith, W.
Wemys, J.
Whitbread, S. C.
Williams, J.
Wood, ald.

TELLER.

Hume, J.

JUDGES' SALARIES.] The report being recommitted, with an instruction to make provision for retired allowances, the chancellor of the Exchequer moved the first resolution, "That the several nett annual salaries herinafter mentioned shall be granted to the undermentioned justices of his majesty's courts at Westminster, in lieu of all salaries, fees, and emoluments, now received by them; and that there be issued and paid out of the consolidated fund of the united kingdom of Great Britain and Ireland, such sums as, with the sums now payable to the said justices respectively out of his majesty's civil list revenues, will make up to each of the said justices the sum hereinafter mentioned; that is to say, to the chief justice of the court of King's-bench, the nett annual salary of 10,000*l.* to the chief justice of the court of Common Pleas, the nett annual salary of 8,000*l.* to the chief baron of the court of Exchequer the nett annual salary of 7,000*l.* and to each of the puisne justices of the courts of King's-bench or Common Pleas, or barons of the Coif of the court of Exchequer, the nett annual salary of 6,000*l.*"

Mr. *Scarlett* said, that, in his opinion, the House ought not to accede to the proposition because it was connected with a proposition for taking away the fees attached to the office of chief justice. The offices out of which those fees grew were incidental to the situation of chief justice, and had existed for centuries. It was from these that he derived the greater portion of his recompense, and of the legitimate reward of his labours. Chief justices had as much a vested right in these offices as any archbishop of Canterbury could have in the see which he had not yet become absolutely possessed of. If it were proposed, for instance, to make an alteration in the leases of that see, and to give the present possessor a smaller sum in lieu of the loss he might sustain, how much would it excite the disapprobation of that sacred profession. If an alteration were proposed, there should at least be a fair average of the loss sustained by it, and compensation to that amount. But, what did they now propose to do? To increase the salaries of the puisne judges from 4, to 6,000*l.* a-year, and while on the average of the last thirty or forty years, the salary and fees of the chief justice amounted to between 14, and 15,000*l.* a-year, to add only 1,000*l.* to the lowest sum he received during any one of these years. This might be an advantage to the present chief justice, because it would give him a small increase to his present salary, he not being in a situation to participate in all the advantages derived from the disposal of the incidental offices; but, though he had had no communication with that respectable individual on this subject, he was sure that he was incapable of bartering any of the rights of his successors. It was unjust towards the chief justice to take away from him his fees, in order to create a fund for the payment of the puisne judges. It was an admitted principle, that the chief justiceship of the court of King's-bench ought to be a place of great elevation, and dignity. Such was the feeling of the profession. To make it such, it should be a situation of considerable emolument. The profession of the law was like a lottery. Its expenses always exceeded its profits just as the expenses of the tickets exceeded the value of the prizes. To make these situations the object of high spirit and ambition, they should be ones of emolument and dignity. Any step to degrade the high offices of chancellor or chief justice, was a step towards the degradation of the whole profession. Men of very considerable eminence would not be induced to give up a leading practice at the bar, for a salary barely equal, perhaps inferior, to the profits of their practice. The style of living must also be taken into the account. The profession lived very much together, and were rigorous critics towards each other, as to the rate and style of expense. A man of good practice might live in his own way, and make a very good figure with half his earnings. Not so with the chief justice, who was looked up to not only as head of the common law, but as one possessed of dignities and advantages becoming his high station. A man could accumulate less for his family as chief justice with 10,000*l.* a-year, than a barrister could with the same sum acquired by practice. He was free to do as he liked in the latter case; in the former, he would be chained to hard labour for life; he would be condemned to tug at an iron oar, or if that were considered too harsh a description, at a gilded one. He would advise government by all means, if they wished to induce independent men of the best intellect and acquirements to accept that situation, not to reduce its consequence or pecuniary advantages, but to do every thing in their power to uphold the dignity of it. With that view he would take it out of the influence of the lord chancellor, whoever might happen to take that office. For his own part he did not see any disadvantage to the public on the promotion of the chief justice to the chancellorship. It was the duty of government to provide as many competitors of capability as they could, and the chief justice ought to be at liberty to offer himself. But, for that reason, the appointment of the chief justice should not lie with the lord chancellor. He could easily conceive a case—though, of course, it never yet did happen—of a lord chancellor taking care not to promote any persons to the bench except such as were notoriously too inferior to himself to threaten him with the danger of rivalry. To prevent this, the government ought to secure the appointment of the chief justice to themselves, taking care to bestow it on the very best man of their own party. The dignity and importance of the chief-justiceship could not be overrated in this country so long as it was a land of liberty; and every measure that was adopted to lower its consequence, was a degradation to the profession. Upon these grounds he felt it his duty to propose, as an amendment—"That the sum of 12,000*l.* be inserted, instead of 10,000*l.*" as he was well informed that the average of salary exceeded that sum.

The *Chancellor of the Exchequer* fully concurred in what had fallen from the learned gentleman, as to the inexpediency of any measure that went to diminish the importance of the chief-justiceship; and if his proposition could possibly lead to such a consequence, he would at once abandon it. But it appeared to him that the opinions of the learned gentleman rested on a fallacy; for he had argued as if there were some abstract rights attached to the office itself. He could easily understand the abstract rights of an individual in possession of the office, but he could not comprehend the nature of any supposed rights attaching to any future holder of the office. It appeared to him that we should look at no rights except those of the holder of the office, and then we should merely have to consider whether 10,000*l.* a year would not be an adequate salary. With respect to the eminent individual now holding the office, his average salary, after all deductions, might be computed at 8,500*l.*, and he proposed to him an addition of 1,500*l.* a year, which he considered an adequate compensation. He agreed in the propriety of having the first men in the profession to fill the office; and it was but reasonable to suppose that such men, previous to the attainment of that period when they would be qualified for the office, had acquired a considerable fortune. In addition to this, there was the honour, the distinction, and, he would add, the glory attendant upon the discharge of those high functions, which would operate as a much higher inducement to elevated minds than 2,000*l.* a year. He, therefore, could not see how this proposition was shutting the door against eminent lawyers to fill the high judicial offices of the state.

Mr. *Scarlett* said, in answer to the argument respecting abstract rights, he would ask this question:—Take the case of the revenues of a bishop, and imagine it to be proposed, that the income of the successor of the present bishop should be diminished by 2,000*l.* a year, would not a cry be immediately raised? If his opinion were asked what other mode ought to be adopted for increasing the importance of the chief justice, he would answer, by making him a peer. As the House of Lords had to decide in the last resort on our lives and liberties, it would not be amiss to have some good lawyers amongst them; and this would add considerably to his dignity. There was a period when chancellors and judges held their levees, and maintained their station with the highest splendor. Lord Mansfield invariably held levees; but, if a lord chief-justice could be found to ride down to court, or to travel, in a hackney-coach, with his train-bearer and another; or the lord chancellor with his mace in a hackney-coach, then, indeed, some saving might be made out of 10,000*l.* a year. He would have the office of so high importance, that the first nobleman in the land would feel his son honoured by his elevation to it. But, he should infinitely prefer leaving the income of chief-justice as it was, to adopting the proposed arrangement.

Mr. Secretary *Peel* said, that his mind was relieved when he found it admitted that they were not dealing harshly with the present chief-justice, for the main consideration when dealing with vested interests should be a provision for the losses the individual might sustain. It therefore appeared to him that they were now at perfect liberty to consider what ought to be the proper salary of future judges. He differed from the learned gentleman in thinking that this measure was objectionable in principle. He thought it better that the judges should have a fixed salary out of a fixed fund, than an uncertain salary out of uncertain and fluctuating fees. It was upon the same principle that the salaries of the offices of state had been fixed.

The amendment was negatived, and the resolution agreed to.

The *Chancellor of the Exchequer* said, he would not discuss the question of the salaries of the puisne judges, until the report was presented.

Mr. *Hume* asked, whether it was intended to abolish all the fees of inferior offices?

The *Chancellor of the Exchequer* replied, that one of his hon. and learned friends had prepared a bill upon the subject, founded on a report of the commissioners.

Mr. *Hume* also begged to know, whether it was intended to give the lord chancellor a fixed salary, instead of allowing him all his enormous and abominable fees? He saw no reason why the lord chancellor should form the only exception in this new and wholesome arrangement. His lordship derived pecuniary advantages from the very delays which he himself occasioned.

The *Chancellor of the Exchequer* replied, that it was not possible to undertake such a task before a report had been made on that part of the pending inquiry. He would take the liberty of stating, that the notions entertained regarding the amount of fees and salary of the lord chancellor, were exaggerated to a most strange degree. His salary, charged upon the Post-office, was only 5,000*l.* per annum, while the average yearly amount of his fees did not exceed 7,000*l.*, making an income of 12,000*l.* in the whole. The opinion abroad was, that the chancellor had a nett income of more than 20,000*l.* a year; but, how much did the hon. gentleman suppose the lord chancellor actually put into his pocket? The salary of 5,000*l.* was liable, first, to a reduction for the land-tax, and beyond that 2,500*l.* was payable out of it to the vice-chancellor. The lord chancellor had himself disinterestedly suggested this mode of paying the vice-chancellor. In the whole, therefore, he did not put into his pocket more than 9,000*l.* for the discharge of his laborious duties in Chancery. His fees, as Speaker of the House of Lords, might be between 3,000*l.* and 4,000*l.* a year, and his total income could not be more than 12,000*l.* or 13,000*l.* per annum. He did not apprehend that even the hon. gentleman would think the lord chancellor of England overpaid by such a sum. It might be very well to talk of delays and postponements; but thus much he would say for the present lord chancellor, that, as far as related to devotion of time and mind, and exertion of body, it was impossible for any man to exceed him. He said this, because it was a bare act of justice. When it was represented, over and over again, that the lord chancellor was wallowing in wealth extracted from suitors, and derived in part from an inadequate discharge of duty, it became necessary to step forward to rescue so distinguished an individual from a most unmerited imputation [hear, hear!].

Mr. *Hume* said, he would rather give the lord chancellor 15,000*l.* a-year fixed salary, than allow him to be paid in the present absurd and objectionable manner. If a delusion existed as to the amount of the learned lord's emoluments (of which, by-the-by, he should require evidence before he believed it), the very way to keep it up was to allow the fees to remain unascertained. He was satisfied that he was not misinformed as to the enormous amount of the learned lord's emoluments. If mistakes of so gross a kind really existed, why had not some means been taken effectually to remove them? It was supposed that the pecuniary advantages of the lord chancellor were not less than 18,000*l.* a-year. He was not aware whether the fees on bankrupt commissions were or were not included in that amount; he believed that they were not, but the uncertainty shewed the necessity of inquiry. In some cases he had been informed that the lord chancellor regulated fees as he pleased, and thus incidentally was enabled to put money into his own pocket. Why then, when government were making this very proper reform in the other courts, was the court of Chancery to be omitted?

The *Solicitor-General* said, that nothing could be more unfounded than the charge, that the lord chancellor had it in his power to regulate fees as he pleased, and thus put money into his own pocket. The accusation, that he derived pecuniary advantages from the postponement of causes was most calumnious. A more calumnious or groundless statement had never been hazarded. What pretence was there for it? Whence could the hon. member have derived his information?

Mr. *Hume*.—So far from the attack being calumnious and groundless, I challenge the Solicitor-general to lay upon the table a return of the fees and emoluments of the lord chancellor, and I will prove the whole of what I have asserted.

Mr. *Twiss* had no doubt that the hon. gentleman would be disappointed in the result, if the return were produced. He only rose to add one fact, of some importance. The other side of the House delighted to dwell on the delays supposed to be occasioned by the lord chancellor; but his lordship, so far from desiring postponements, had some time since, to the diminution of his own salary, made a regulation to prevent them. The holidays formerly allowed in the offices of Chancery occasioned considerable delay; and his lordship had ordered that, with the exception of a very few days, they should be abolished: giving at the same time, out of his own funds, a remuneration to the officers thus injured. Thus his income was liable to a still further reduction, from his anxiety that no impediment should unnecessarily be thrown in the way of justice.

After some further conversation, the Chairman reported progress, and asked leave to sit again.

HOUSE OF COMMONS.

Monday, May 30.

King's Message—Provision for the Duchess of Kent, and Duke of Cumberland.] The report on the King's Message was brought up, and the resolution for granting 6,000*l.* a-year for the maintenance and education of the Princess Alexandria Victoria of Kent was agreed to. On the resolution, for granting an annuity of 6,000*l.* to the duke of Cumberland, for the education of Prince George Frederick Alexander Charles Ernest Augustus being read,

Mr. *Hume* said, that he was sorry not to see a right hon. baronet, the member for Waterford, in his place, who had given notice of an amendment upon this resolution. In his absence, he should propose to negative the motion altogether. He thought ministers ill-advised in recommending his majesty to make such a demand on the liberality of parliament, and he was persuaded that no measure proposed by them during the session would give less satisfaction to the nation. The public would consider it a mere waste of its money, and a waste without all precedent. On Friday night the chancellor of the Exchequer had refused to provide that the boy should be educated in England [no, no]. He did not understand what those negatives meant, unless that the proposition was negatived by them on a division. The House had already refused a vote to the duke of Cumberland himself, and therefore the resolution now under consideration was, in form, for the use of his son; but there could be little doubt that the 6,000*l.* was to be added to the income of the father. At present, the duke of Cumberland was paid 19,000*l.* a-year, besides the allowance from his regiment; he spent the whole of it upon the continent, in Hanover, or Prussia. Now, he had been informed, that 19,000*l.* a-year was equal at least to 30,000*l.* a-year in England. Could there be, then, the slightest desire for economy in ministers, when they brought down a proposition for adding 6,000*l.* a-year to the 19,000*l.* a-year? And yet the House was now called upon to make an additional charge of 6,000*l.* a-year on the consolidated fund for purposes of this nature. The fact was, that ministers had, on this occasion, come down to ask what had never been asked of that House before. When was it, that for the education of a boy not six years old, 6,000*l.* a-year had been asked for? He could discover no such allowance to have been ever made to them for such a purpose as that suggested by this resolution, even at periods when they were further advanced in life. The only instance that at all tallied with this, was the case of the duke of Gloucester, who formerly stood in the same situation with respect to the degree of his succession to the throne, as the infant prince of Cumberland stood in now. The present duke of Gloucester was nephew to the late king. In 1767 parliament granted to his late majesty's brother the duke of Gloucester 8,000*l.* a-year. But, soon after the birth of the present duke of Gloucester in 1776, parliament settled upon him 8,000*l.* a-year; and on his sister the princess 4,000*l.* a-year "upon the death of their father." The allowance of 8,000*l.* a-year, that had been made to the king's brother in 1767, was increased; but not until 1785, to 9,000*l.* a-year. It was therefore clear, that the late duke of Gloucester had educated and maintained his son out of his annuity of 9,000*l.* a-year, without any additional allowance; the 8,000*l.* a-year not having been paid until after his death to the present duke. When he remembered the last divisions which had taken place in that House, on the subject of the duke of Cumberland, he could not help asking what that individual had done since, to gain the good will of parliament? Was it because his son stood sixth or seventh from the throne, that parliament was to be called on to alter the wholesome precedent it had formerly observed, of making every prince support his own family out of the allowance made for him by his country? It had been said, that to the late princess Charlotte of Wales, this House had granted a separate maintenance. But she was at that time the heiress presumptive to the Crown; and the debates of the period he spoke of would show, that it was on that account parliament had made such a grant. But what was parliament asked to do by the present vote?—to put the sixth or seventh in succession on the same footing with the presumptive heiress to the Crown. A proposition for placing the prince of Cumberland on the same footing with the princess of Kent was contrary to all precedent. On all these grounds, it seemed the best and most direct course to put a negative on the resolution. Should he unfortunately not succeed in this object that night, he hoped that the opposition to be made to such an objectionable proposal would gain strength every time it came before the House.

The *Chancellor of the Exchequer* said, that if it had been the pleasure of the House, on a former occasion, to accede to the proposition for increasing the income of the duke of Cumberland on his marriage in the same way as that of the other members of the royal family, it certainly would have been unreasonable to make the present application to parliament, for the education of the duke of Cumberland's child. But, it should be recollected, that although an additional allowance of 6,000*l.* a-year had been granted to the dukes of Clarence and Cambridge, on their marriage, the duke of Cumberland did not obtain that sum at the time his marriage took place. He was placed, therefore, in a very different situation from that of his two royal brothers. Since that period a son had been born to him, and that son had reached the age of six years. Under such circumstances, he did not think there was any thing at all outrageous to the feelings of the country in proposing that adequate means should be afforded for the proper education of that young prince. The hon. member was extremely displeased that the same sum should be proposed for educating the son of the duke of Cumberland as for educating the daughter of the duchess of Kent, because the former did not stand in the same degree of proximity to the throne as the latter. But, there was some inconsistency in this argument of the hon. gentleman, and that which had been resorted to by his friends on a former occasion. When it was proposed that a vote of 10,000*l.* should be granted to the duke of Clarence, and the sum of 6,000*l.* to the dukes of Cumberland and Cambridge, the House would not sanction this difference in the allowance on account of the difference of proximity in relation to the throne, and the vote of 10,000*l.* was reduced to 6,000*l.* If, therefore, any difference had been made on the present occasion in the allowance to be voted for the education of the son of the duke of Cumberland and the daughter of the duchess of Kent, it would have been made in contradiction to the principle which parliament adopted on a former occasion. He had stated the other night, in the most unequivocal manner, that the object of this vote was really and substantially to provide for the education of the boy in this country. This was his unequivocal declaration; and he had objected to the amendment proposed on that occasion, because he thought it ought not to be introduced in a measure, which was in effect only an answer to a message from the Crown; but if the House thought it necessary to secure that object by any specific provision in the bill, he had personally no objection to such a course. Some of his right hon. friends had suggested, that this might be effected by inserting in the preamble, that such was the motive and object of the bill; and in such a provision he was perfectly ready to acquiesce, for he should not feel it to be any personal imputation on himself, nor did he wish any declaration which he had made on the subject to be implicitly believed. He had no objection to any specific provision for the purpose of assuring the House and the country, that the education of the boy should take place in this country; but in effecting this object, he trusted that nothing would be done which might unnecessarily wound the feelings of the illustrious parents. Whatever hon. gentlemen might think of the illustrious duke, against whom so much animosity seemed to be felt, he could not agree with them, that it was quite a matter of course that a child should be separated from its parents. They seemed to think it perfectly a matter of course, that the duke of Cumberland should be expatriated, and that his son should be sent to this country to be educated. An hon. and learned civilian, indeed, had said the other night, that he would do nothing which might induce the duke to return to this country; on the contrary, he would do every thing in his power to keep him out of it. To hold language of this kind was really to display very little feeling for the illustrious party to whom it referred. Such a course of proceeding, indeed, must terminate in the actual and perpetual separation of the father from his child. If this money was to be granted at all, it must clearly be granted in the way proposed; because to say that the father should have nothing whatever to do with the child's education, and no control over the application of the money proposed to be given, would be a course that he should exceedingly regret to see the House adopt. At the same time, he had not the slightest objection, nor could his majesty's government feel any, to incorporate into an act of parliament any words that should be thought to comprise the surest guarantee for the education of the child in England.

Dr. *Lushington* said, that since the last discussion on this subject he had referred to the debates which took place in that House in the years 1815 and 1818, on the proposed grant to the duke of Cumberland. He felt great reluctance in making any observation which might be considered personal to any branch of the royal family; he felt it his duty, however, to declare, that after a full consideration of all that passed in the years 1815 and 1818, he had come to the decided opinion, that the decision of the House on both these occasions was, in every point of view, just and proper. He did trust, therefore, that this House, would not retrace its former steps, and by consenting to this allowance of 6,000*l.* a-year for the education of the young prince, deny the principles upon which they had formerly acted; and, in reality, carry into effect that which they had before most properly rejected. He ventured to say, that never had an occasion presented itself on which the feelings of the country were more completely in unison with those of the House than on this question. If this was so—if the House were not prepared to retrace their steps—if they were not about to make a grant upon entirely new principles, and for as entirely novel purposes, let them first consider what grounds of necessity were laid for that grant. And, when that necessity should have been ascertained, let them take, above all things, especial care that the resolution, and the act to be framed on that resolution, were expressed with sufficient carefulness, to carry into complete effect that which was now stated to be the real object of the resolution. First, then, as to the necessity for the grant. He protested that, on the present occasion, he did not think any satisfactory ground of necessity had been laid. Not that he thought the sum itself was matter of any very serious consideration, because it was impossible to say that 6,000*l.* a-year was an amount that could seem of great importance, in these cases, to parliament. But, the precedent was in itself a very dangerous one, and might lead to consequences mischievous in the extreme. For his own part, he did not see, that the duke of Cumberland had not already allowance enough to discharge all these duties of education and maintenance, if he was really disposed to discharge them. Let the House inquire what the duke of Cumberland had done to merit this grant. The hon. gentlemen on the other side of the House had not denied, that the duke meant to take up his residence abroad. But, he had a duty to perform in England, both to his country and to his child. What, then, ought the duke of Cumberland to have done? He ought to have endeavoured to perform them. He should have seen whether it was not possible to educate his son out of the means he already possessed, without resorting to the House for further means; and then, if, after doing all that lay in his power toward the education of his child, he had found it impossible to go on without additional assistance, —he might have come to parliament with a strong claim, not to say on its generosity, but on its justice. But, the duke of Cumberland had remained and still remained abroad. They were now calling him to look after his duties. Why he had not done so of himself before, not one word of explanation had been offered from the other side. Here, again, if these were the facts of the case, he must say, that until the duke should have returned to this country—until he should have shown himself willing to discharge the duties that he was bound to discharge—it would be premature to come to any vote at all. But, suppose the duke should come back to this country, he (Dr. L.) was still waiting for an answer to the question he had addressed to his majesty's ministers on a former evening; and this was it—how came it, that the duchess of Kent, with her 12,000*l.* a-year, would be able to provide for her young daughter who was so near in succession to the throne, to maintain her rank and state on their present footing, and to provide all the education suitable for that daughter, while the duke of Cumberland was incapable of managing the same duties with 19,000*l.* a year? Surely, here was a gross inconsistency at the outset. But, let them suppose the duke of Cumberland to have made out his case, and that House to have voted the money; in whom would be the management of the young prince, and of this sum? Would it be in the duke of Cumberland, or in the king? The right hon. the president of the board of Control had referred, on a preceding evening, to the opinion of the twelve judges, which went to this effect—that of grandsons in succession to the throne the management was in the king. For him (Dr. L.) this was too knotty a point to decide. But, let it be said that the present king was entitled to have the control and education of the young prince of Cumberland; then, of what egregious absurdity was the House about to be guilty? They would be voting to the king a grant of 6,000*l.* a-year for the education of a prince whom the law confided to his management; but this 6,000*l.* a-year they would empower the king to pay over to the duke of Cumberland, for the professed purpose of exercising that management, or control, which the law recognized only in the king. So that they would thus be separating the duty from the consideration paid for its due discharge. Or, let the House take the reverse of this statement. Suppose the king was not entitled to take care of this young prince's education, would it not be proper to give his majesty some power and authority, for the sake of so entitling him? When the right hon. gentleman opposite refused to say whether the duke of Cumberland was about to return to England or not, was it not high time that parliament should strengthen the hands of the king, and give him something like the ability to control, in so important an affair as the education of this prince, supposing that by law he did not already possess that ability? Why then, whether by the existing law the king could or could not exert such control, it was obviously of the last importance, that this grant should be so worded, as to enable the king to exercise so salutary an influence and authority. The chancellor of the Exchequer, in adverting to what he (Dr. L.) had said on another night, had not very correctly stated his observation. He had never said that he would wish to part the father from his son: no such idea had ever entered his mind. What he did say was, that he felt unwilling to give even a single shilling to enable the duke of Cumberland to return to this country. Nor did he think it would become that House to feel otherwise on the subject; nor that the duke deserved that they should feel otherwise, while they were to be thus reduced, as it were, to drive him by their votes on this resolution to the discharge of duties that he ought long ago to have discharged without any such incitement. Upon these grounds, he thought the present wording of the grant ought to be altered; and in the absence of his right hon. friend (sir J. Newport), he would presume to propose an amendment to the following effect; namely, that the words "his royal highness the duke of Cumberland" be omitted; and that at the conclusion of the resolution there should be added these words—"in the United Kingdom." He could see no reason, if the House should think it proper to pass this grant, why they should not secure, to the utmost of their power, the fulfilment of their own intentions. He remarked this the more particularly, because, on referring to the discussions in the year 1818, he found that the late marquis of Londonderry used these very expressions:—"that as to that vote of 6,000*l.* per annum to the duke of Cumberland, which had been negatived in the year 1815, he did not consider that the opinion of parliament had been sufficiently recorded by it." Now, if the late lord Londonderry thought that the opinion of parliament was not sufficiently evinced by the vote just referred to, he called upon hon. gentlemen seriously to consider, whether the opinion of the House could with any degree of consistency be held to be sufficiently recorded by that which was nothing better than the mere verbal assertion of the right hon. gentleman, as to the real object of this resolution, as to the education of the young prince; and of which assertion, sincere as it most undoubtedly was upon his lips, the right hon. gentleman himself could not possibly undertake for the strict and literal performance?

Mr. *Creevey* declared, that he could not agree to pass either the original motion, or the amendment which had been proposed by the hon. and learned gentleman who spoke last. During all the time that he had sat in parliament, he had never witnessed so gross an outrage as that which was now put upon the good sense and consistency of the House, by this attempt to get 6,000*l.* a-year out of the House of Commons for the duke of Cumberland. For that was the fact—the money was wanted for the duke of Cumberland. The duke of Cumberland and the House of Commons, however, had come into this sort of contact before; and he felt justified, from what had already happened on those occasions, in saying, that this was neither more nor less than an attempt to raise 6,000*l.* a-year under false pretences. Now, that was just the fact. Six thousand pounds a-year for the education of a child five years old? It was nonsense to talk of it. Was ever so absurd a thing heard of? In truth, this was as near as possible the old motions of 1815 and 1818 in a new form; but that was the most insulting and contemptuous in which it could have been produced to the House. It was true that 6,000*l.* a-year had been voted to the duchess of Kent, but the application, he was very sure, never came from her, nor from those around her. Her highness had been talked to, and talked about; and she and the princess her daughter, so far from being voluntary applicants on this occasion, had been made the mere tools to justify the application on behalf of the duke of Cumberland, and carry that with their own. If the House agreed to the resolution, he thought they would disgrace themselves for ever. He would support the negative that had been moved by his hon. friend the member for Aberdeen.

Mr. *Cripps* expressed himself to be friendly to the principle of the amendment. He should be perfectly satisfied with the assurance of the right hon. gentleman and those who acted with him on this subject; but as they might not always retain their places, and as human life was uncertain, he thought there could be no impropriety in introducing the words proposed as an amendment. Some allusion had been made to the difference in amount of the two sums which were the subject of this resolution; but when the difference between the manner in which a male and a female of the exalted rank of the persons concerned in it was considered, he was sure this would not be thought unreasonable. The hon. gentleman who spoke last had seemed to think there had been some juggle between the duchess of Kent and the duke of Cumberland [cries of oh, no!].

Mr. *Creevey* said, that nothing was further from his intention than to say any thing disrespectful of the duchess of Kent. On the contrary, he had intimated that the friends of the duke of Cumberland had put forward the case of the duchess of Kent for the purpose of supporting their application; that this proposition was by no means agreeable to the duchess of Kent and her family; and that she had no wish to have her claims mixed up with those of the duke of Cumberland, though he duke had good reason for wishing to make her claims subsidiary to his own rejected pretensions.

Mr. *Cripps* said, that nothing was further from his thoughts than to insinuate that there was any improper understanding between the two illustrious individuals; but he thought that, as the grounds of the claims of each were very nearly similar, they had properly come together before the House.

Mr. *Hudson Gurney* said, that he perfectly remembered what had passed during the former debates on an increased allowance to the duke of Cumberland. He then thought, that the duke had been treated with great unfairness; and he thought so still [hear, hear!]—the only possible claim on the country being as provision for the sons of the sovereign; and when the provisions of the dukes of Clarence and Cambridge were increased, those of the dukes of Cumberland and Sussex ought, in common reason and justice, to have been increased in the same manner. On this ground, he should vote for the motion, and not on the ground of its being required for the education of his son. As to the observations which had been made on his royal highness's habitually residing out of the country, the duke of Cumberland had a right to live where best it pleased him; to educate his own son where he thought most convenient; and the House of Commons had nothing to do with the matter [coughing and laughter]. The great and necessary evil attendant on the education of all princes was, their being, from the first, surrounded by sycophants. An education in England, by act of parliament, was probably the worst education that could possibly be received by an English prince; and, in spite of all the clamour of the friends of freedom, who would deny to a father the right of direction in the bringing up of his own child, he should vote for the grant—not as necessary on account of the infant prince, but as reparation of a previous injustice.

Sir *G. Rose* said, that having lived for some years so near the person of the duke of Cumberland as to enjoy frequent opportunities of ascertaining his character, and observing his conduct, he could not remain silent. With respect to the absence of the duke from England, that, it should be remembered, was in consequence of the treatment he had received here. It was impossible for any person to find himself the object of universal dislike, and treated with disrespect, and even insult, which he knew to be undeserved, but which he had no means of preventing, and yet subject himself to the repetition of them. His acquaintance with his royal highness had continued for four years and a half. Upon the commencement of it some of his friends had remonstrated with him on the danger which he might run from the bad repute in which his royal highness was held. To which he had replied, that he saw his royal highness surrounded by men of the most distinguished probity, of the most scrupulous delicacy of conduct, and as such he would not believe the disadvantageous reports which he had heard. Subsequent experience had convinced him that the opinion he had formed was correct, He had never known any man behave, upon all occasions, in a manner more becoming his station, or with more kindness and consideration to all who were about him. This behaviour of his royal highness was not purchased on his (sir G. Rose's) part by any servile compliance; on the contrary, he had upon some occasions felt himself obliged to differ from his royal highness, and on those occasions the duke had acted with the greatest fairness. During his residence at Berlin, he had constant opportunities of observing the duke in his family, and he must say that he had never seen a more affectionate parent, and that the child, the subject of the resolution before the House, as far as from his age he was capable of manifesting it, seemed to return that affection. He had come forward to say thus much, because he was anxious to deprecate some of the expressions he had heard—expressions which had a tendency to exasperate the father against this country; a feeling in which it was natural to suppose that the son would be educated, if they were persevered in.

Sir *W. Congreve* said, that he had known the duke of Cumberland for a long while, during which his conduct had been unexceptionable; and no one could be more punctual in the payment of his debts.

Mr. Alderman *Smith* said, that his royal highness had been the victim of malevolence, and was driven out of his native country by innuendos and misrepresentations. Whatever the House might think proper to do with respect to the education of the child, he thought these attacks against the father should not be persisted in.

Mr. Secretary *Peel* said, that, however various the views were which had been taken by hon. members in the course of this debate, still he thought there was an universal feeling, that nothing could be more unpleasant than the allusions to which it had given rise. He should, therefore, in the very little he had to say on the subject, avoid any reference whatever to those topics. He could not concur with the hon. gentleman (Mr. Gurney), who regarded the resolution before the House as an attempt to redress an injustice which had formerly been done. The proposition came simply upon its own grounds; and, so material a change had taken place, that the House could consistently agree to this, even though it were convinced that the grounds of its former refusal were correct. The way in which it had been put by an hon. and learned gentleman opposite was, he thought, a fair one. First, was this vote necessary; and secondly, what was the proper mode of making it secure? The hon. member for Montrose had said, that every man was bound to educate his own children. As applied to private life this was quite true; but, in the case before the House, the interest it had in this child made its education a matter of national importance; and since we thought fit to take upon ourselves the burthen of that education, we had a right to require, if we saw reason, that it should be carried on in England. Something had been said as to the adequacy of the sum; and it was insinuated, that as the duchess of Kent found her allowance of 12,000*l.* per annum sufficient, that of the duke of Cumberland, amounting to 18,000*l.*, was more than enough. But, he thought, when this came to be more coolly considered, it would be seen, that the situation of a widow, leading a retired life, was very different from that of a prince, who had a wife and family to support, a station to keep up. It was asked, why the duke of Cumberland did not come home; but, when the manner in which his name had been introduced into the discussions of that House in 1815 and 1818, and the allusions which had been then made (and which he believed were now regretted) to his royal highness's wife, were recollected, it would not be wondered at that he should choose to reside abroad. He repeated, that it was in every way proper that his royal highness's son should be educated in England: and the House ought to require some more valid security than the word of a minister for that purpose. To effect this, he thought the best way would be by some proviso to be inserted in the bill hereafter, to be founded on the resolution recording the sense of the House; and he had no hesitation in saying, that any such introduction should have his consent. For the words in which it should be expressed he was indifferent, provided that they did not imply, that the duke of Cumberland was not worthy to be intrusted with the education of his own son, but merely that it was thought expedient that one who might hereafter be the monarch of England should receive his education in that country, the destinies of which he might one day be called to rule over.

Mr. *Brougham* said, he was sorry to intrude himself on the attention of the House, for he agreed with the right hon. gentleman, that as the subject had been pretty thoroughly discussed, the sooner it was put an end to the better. He agreed also with the right hon. gentleman, in not caring by what form the principle of an English education was secured; and he agreed still further with him, in admitting that in private life every man was bound to educate his own child, and nobody had a right to interfere—so long as the father paid the money. The difference between that case and the one under discussion was so obvious, that he need say no more about it. With respect to the terms of the grant, all were agreed to-night; and that good, at least, had grown out of the former discussion. If the grant were really to be made, he should not object to those terms; but he was prepared to oppose it altogether; and in this opposition he hoped he should receive some support. He had been told that such applications were matters of ordinary practice. Now, this was really of too much consequence to be passed lightly over; since it might hereafter be reduced to a general rule, that as often as any prince or princess should be born to any one connected with the royal family, the House should be called upon to provide for them. It appeared to him equally dangerous and novel to admit it in the shape of a precedent, that as soon as the scions of the royal stock attained their fifth or sixth year, the House should be expected to vote 6,000*l.* per annum for their education. The last instance of such an application was altogether different. It was made on behalf of the duke of Gloucester, whose life had been invariably respectable, and who had never involved himself in any pecuniary difficulties; but, that was a prospective provision made in the life time of the late duke, and no additional sum had been asked for the present duke, or for the princess Sophia. Was the House now to turn over a new leaf, and provide a large annual sum for the education of the child of a member of the royal family, whose income at present was 19,000*l*? The resolution, in favour of the duchess of Kent had been stated as a precedent, but it was the strangest precedent he had ever heard of—it was, in fact, part and parcel of the same resolution. But, the truth was, that no proposition whatever had been made by the duchess of Kent. She, with the assistance of prince Leopold, out of that ample allowance which he was in the enjoyment of, was quite able to educate her daughter in a proper manner. What, then, could be more unjust than that it should be permitted to go forth to the public, that she solicited any allowance for that purpose? He believed that the duke of Cumberland did make an application—at all events, that his friends did for him, and he knew and assented to it; and thus the duchess of Kent and prince Leopold were associated in an application which they did not wish for, merely because the duke of Cumberland did ask for it. [A cry of "No"] At least if he did not ask for it he would not refuse it. He felt it to be his duty decidedly to oppose the grant, as being altogether unnecessary, and an abuse of that power which the people so largely intrusted to the House. He would oppose it also because its tendency was, to lower that true dignity of the royal family which consisted in the respect felt for them by the people. Another reason which made him unfriendly to the measure was, the manner in which the duchess of Kent had been mixed up with it, and the misrepresentations to which that had given rise. He saw prince Leopold attacked for doing that which he had, in fact, never done at all, and which he had never wished to see done. He had nothing to do with the other consideration which had been urged or rather alluded to: but, he objected that, by agreeing to this resolution, the House would be doing that indirectly which it had refused to do directly. He did not see upon what ground the taking the child of the duke of Cumberland from its parent could be justified. The late princess Charlotte had been taken from the care and superintendance of a parent to whom she was bound by all the dearest and most tender ties. He had not hesitated to condemn the cruelty and injustice of that measure; and although that parent was a favourite of the public, and the parent of the child now spoken of was any thing but a favourite with the public, he thought that it ought not to be taken away from him who had the best right to direct its education.

Mr. Secretary *Canning*, in consequence of the turn which the discussion had taken, wished to have it understood that the vote before the House was not proposed as an atonement for any former decision which it had come to, but grew merely out of the circumstance of a child whose education it was now the time to begin, and in which education, from the nearness of that child to the throne, the country was interested. Without going back, then, to blame or to justify the duke of Cumberland for his residence abroad, the House, he believed, would agree, that his child must be educated, not because it was his child, but because the duty of educating it devolved upon the state, of which it might one day be so important a member. What was now proposed, therefore, was, that by a resolution the most extended and most coercive, it should be provided, that this education should be carried on at home, and that the royal parent should either return to England himself, or send hither his child, as he might think proper. Thus would be avoided that harsh interference, which would on all accounts be inexpedient. The condition, however, was one which could not be parted with, and which might be so worded, as not to wound a parent's feelings. This was the case, in a few words, and all that had been added was extraneous. He put out of the question all that had been said upon other subjects, and particularly wished that mention should not be made of the duchess of Kent upon this occasion; because he was sure that to be thus made the subject of a discussion, would be as uncomfortable to her feelings as it was repugnant to that unobtrusive delicacy which characterized her conduct, and which rendered her an ornament to her exalted station.

Sir *F. Burdett* said, that when he came down to the House, he supposed that the question which was to be decided was, whether or not the duke of Cumberland should have 6,000*l.* added to his income; in other words, whether that should be now done indirectly, which the House some years ago refused to do, when it was directly proposed to them. Had that been the case, he should have been placed in the situation of running the risk of incurring the disapprobation of the right hon. gentleman, who seemed to think that to advert to the character and conduct of the royal personage in question, if not absolutely unparliamentary, was, to say the least of it, highly improper. As, however, the question was placed altogether on a different footing, he felt greatly relieved; and was very much satisfied to find that he could do his duty to the country without any violation of those feelings which, had the case been otherwise, he should have been called upon to disturb. It was probable that the proposers of this grant, perceiving the reluctance of the House to assent to it as directly to the duke, had the discretion to change the tone of their application, and to alter the object to which the grant was to be applied. Whatever might be the cause of the change, the House were now told, that the grant was required, not for the purpose of putting so much money into the pocket of the duke of Cumberland, but on public grounds, in order to insure a proper education to a young prince, who at some future period might be called to the throne. Now, he really could not comprehend how it was possible that 6,000*l.* a-year could be required for such a purpose, for an infant six years old. Nothing could be more injurious to that infant, and nothing could, in its consequences, be more mischievous to the public, than to surround a child of that age with all the folly and expense which an income of 6,000*l.* would furnish. Such a proceeding (and history bore out the assertion) was calculated, more than any other, to render him unfit for the throne, should future contingencies, call upon him to fill it. If this royal child was in the country, the best education that could be given him was merely that which was usually given to the children of persons of rank. To surround him with a kind of little state would be so injurious, that he would rather consent to let the money go into the pockets of the father, than that the unfortunate child should be spoiled, and deprived of every chance of being qualified to exercise the kingly functions happily for himself, and beneficially to the public. He also felt some suspicion when he found this case mixed up with a proposed grant to a noble lady who had made no demand on the public, and respecting whom it had been understood that a near relation, for whom a generous and ample provision had been made by the state, would render no such demand requisite. Being convinced that the illustrious person to whom he alluded was not only willing to prevent such a necessity, but that he would be exceedingly uneasy if he were suspected of any reluctance to provide for the benefit, advantage, and comfort of the amiable lady in question, he could not but think, that the proposition for a grant to the duchess of Kent was only a mask, a kind of stalking-horse, to recommend the one to the duke of Cumberland. If so, the circumstance strengthened his objection to this latter grant. He repeated, that he could not see why an infant so circumstanced should have so large a sum voted for his education. If voted, however, it was absolutely necessary to take care that the money should be applied to that purpose, and to that purpose alone; and he was convinced that the public would be extremely dissatisfied if that were not done.

The *Chancellor of the Exchequer* said, that the hon. baronet appeared to forget the circumstances of the case. Soon after the death of the duke of Kent, lord Londonderry was asked in that House, whether, it was the intention of the Crown to propose an additional grant to the duchess. His answer was, that government did not think it necessary at that time to make such a proposition, inasmuch as prince Leopold had expressed his intention of contributing to the maintenance of her royal highness and child. It was impossible, however, that such an arrangement could be considered as permanent in its nature; and it was on that account that the present proposition was brought forward.

Mr. *Brougham* observed, that as it was allowed on all sides, that security ought to be taken for compelling the proper appropriation of the grant, he would recommend his hon. and learned friend to withdraw his amendment, for the purpose of allowing the House to come to a distinct vote on the first and simple proposition.

Dr. *Lushington* said, he had no objection to do so, if the right hon. gentleman opposite would pledge himself to the introduction in the bill of a security for the education of the child in England, and of a control over the mode of payment.

Mr. Secretary *Canning* replied, that he could not give any other pledge than that which he had already mentioned.

The House then divided: For the grant 120; Against it 97. Majority 23.

Mr. *Brougham* gave notice to the House, that, on the constitutional grounds which he had stated, as well as because he perceived a disposition in the House to take advantage of a temporary and accidental coldness, on the part of the people, respecting questions of economy, and a tendency to spend the people's money, as if there was never to be a want of it again, he should continue to give the measure his strenuous opposition in all its stages.

List of the Minority.

Abercromby, hon. J.
Allen, J. H.
Astell, W.
Baillie, J.
Baring, A.
Baring, sir T.
Barrett, S. M.
Benett, J.
Benyon, B.
Bernal, R.
Blake, sir F.
Brougham, H.
Buxton, T. F.
Byng, G.
Calcraft, John.
Calcraft, J. H.
Calvert, C.
Carter, J.
Cavendish lord G.
Cavendish, C.
Cavendish, H.
Coffin, sir I.
Coke, T. W. (Derby)
Corbett, P.
Creevey, T.
Davies, T.
Denison, W.
Denman, T.
Drake, T. T.
Dundas, hon. T.
Ellice, E.
Evans, W.
Fane, J.
Ferguson, sir R.
Foley, J. H. H.
Gaskell, B.
Glenorchy, visc.
Grattan, J.
Grenfell, P.
Guise, sir W.
Handley, H.
Heron, sir R.
Heygate, W.
Hobhouse, J. C.
Hughes, W. L.
Hume, J.
Hutchinson, hon. C. H.
James, W.
Johnstone, W. A.
Kennedy, T. F.
King, sir J. D.
Knight, R.
Leycester, R.
Lushington, S.
Marjoribanks, S.
Martin, J.
Maule, hon. W. R.
Maxwell, J.
Monck, J. B.
Newman, R. W.
Nugent, lord.
Ord, W.
Osborne, lord F.
Palmer, C. F.
Pares, T.
Parnell, sir H.
Pelham, J. C.
Price, R.
Pryse, Pryse
Rice, T. S.
Rickford, W.
Ridley, sir M. W.
Robarts, A. W.
Robarts, G.
Robinson, sir G.
Russell, lord J.
Scarlett, J.
Scott, J.
Sebright, sir J.
Sefton, earl of
Smith, A.
Smith, J.
Smith, S.
Smith, hon. R.
Smith, W.
Taylor, M. A.
Tierney, right hon. G.
Townshend, lord C.
Tremayne, J. H.
Webbe, E.
Western, C. C.
Whitbread, S.
Williams, J.
Williams, T. P.
Wilson, sir R.
Wood, M.
Wrottesley, sir J.

PAIRED OFF.

Portman, E.

TELLERS.

Burdett, sir F.
Duncannon, visc.

HOUSE OF LORDS.

Tuesday, May 31.

BONDED CORN BILL.] On the order of the day for going into a committee on the Bonded Corn bill,

The Earl of *Malmesbury* objected to that part of the bill which allowed of the importation of corn from Canada at a reduced rate of duty. He feared that corn from the United States would be introduced into this country as Canadian corn. He would therefore move, "That it be an instruction to the committee to leave out of the bill all that part which related to the alteration of the duties on wheat, the produce of the British colonies in North America."

Earl *Bathurst* contended, that the best policy this country could adopt was, to shew her colonies that they were under the protection of a country which considered their interests. The great objection to that part of the bill against which the amendment was directed, was the supposed clandestine importation that would take place from the United States. But, the importation from Canada was restricted to corn in grain, and not in flour; the latter being the usual way in which the American States exported; and the very bulk of the grain being sufficient to expose it to the risk of seizure, it would be difficult to carry on such a trade from the United States without detection. Some jealousy, he was aware, existed on the part of Ireland; but he saw no reason why Canada should be placed under greater restrictions than Ireland, nor was he aware that she could avail herself of the privilege to such an extent as would be injurious to the interests of that country. Canada, it might be said, was likely, in the course of time, to become cultivated to a considerable extent; but, they were not to condemn her to perpetual sterility by any partial course of policy; especially as it would be in their power, when an extraordinary importation should arrive, to alter the law, so as to meet the difficulty.

The Earl of *Lauderdale* thought that the bill ought to be divided. There was no reason that he could see for making the questions of the bonded corn, and the importation from Canada, parts of the same bill. Of the effect which the importation from Canada would be likely to have, they had at present no means of judging; for no return of the price of grain had been received since 1820. It was legislating in the dark, to encourage importation from a country, with the average produce of whose grain they were utterly unacquainted.

The Earl of *Liverpool* observed, that the two subjects were united in the bill, as the bill referred to another measure in which both subjects were included in the year 1815. As to the merits of the question itself, he looked at it in an inverse ratio from the view which his noble friend the mover of the amendment seemed to have adopted. He considered that part of it which affected the bonded corn objectionable, because he considered all temporary measures objectionable in principle; but, under the present circumstances of the country, it was an advantage both to the consumer and to the landed interest, that it should be resorted to; for, in the first instance, it would prevent any immediate rise of price, and ultimately it would operate against that extreme depression which an extraordinary advance would produce, by throwing open the ports and causing a glut in the market. As to the other provision, for admitting the introduction of Canadian corn, it was in the spirit of the changes which they were already occupied in making. They had been occupied during that session in extending the trade of the country, by getting rid of monopolies and restrictions. And, would any man believe that they could carry such a principle into effect, and exclude at the same time from its operation the most important of all commodities, that of corn? The system of monopoly from which this country had recently been engaged in extricating herself, was not our fault. It was the system of the whole world. But now, when other countries were becoming free and independent with respect to trade, did it become us to act upon such a contracted, such a dangerous principle, as would lead us to withhold from our own colonies the benefit of a free trade? It was idle to talk of the quantity of grain that Canada would be able to send into the market. The freight and insurance alone would amount to about 12*s.* 6*d.* a quarter, and besides that, it was subject to a duty of 5*s.* Then, with respect to the United States, he found that the price of corn fluctuated from 36*s.* to 40*s.* a quarter, which, on a comparison with our own prices, would not be found to afford any strong temptation to the American exporters. Indeed, so much did the measure lean to the safe side, he would prefer, as more liberal, a duty of 2*s.* 6*d.* to 5*s.* on the importation of Canadian corn. Then, the benefits of an increased shipping trade, was not to be overlooked. Looking, therefore, at the question in every point of view, he had no doubt that it would be most favourable to Canada, as well as to this country, by putting them in a better condition to consume our manufactures. As the main object was, to extend the commerce of the country generally, it was a part of the plan to put the dependencies on an equal footing, and, in pursuance of that plan, Canada and Ireland would be placed in juxta position, as to the corn trade. Something had been said as to the position in which Ireland stood, by which it was contended, that from the pressure of taxation, it was not fair to put that country into competition with Canada. Now, he was far from grudging Ireland the advantages she enjoyed, but he would contend, that that country was more free from taxes than Poland. He would be sorry to support any measure which took from Ireland all fair advantages; but he was bound to deal fairly with all parts of the empire. It should be recollected, that Ireland had already experienced the most liberal treatment at the hands of this country, and that in the very article of corn. The importation of corn from Ireland made no part of the articles of Union; and though that importation was a subject of jealousy to some, yet who would say that it had produced any inconvenience, or that, with the proximity of the English market, the Irish farmers could not compete with those of Canada? Again, when it was considered what steps were taking in other parts of North America, could any one deny that, consistently with the preservation of Canada, there ought not to be an extension of the most liberal treatment towards that colony? It was a measure called for by every principle of free trade, of justice, and of sound policy. The House should recollect that, by rejecting this bill, they did not leave things as they were; for they would inflict a wrong, which must operate as a check to the prosperity of the colony. He had had frequent opportunities of hearing the principles of free trade applauded, but every particular manufacture claimed an exemption from its operation. It was unnecessary to say, that the general object must be marred by attending to particular interests; and he therefore called upon the House to sanction a measure which was calculated to be of so much general benefit.

The Earl of *Rosslyn* said, that this was no present boon to the Canadians, for the ports were now open to Canadian corn, and no one could say when they would be shut. But the noble earl had contended, that it was the principle that was of value. What, then, was the principle? It was that of doing away the present system of the Corn laws. The noble earl had spoken out candidly, and the direct inference from his speech was, that this was the first step towards the abrogation of the whole system of the Corn laws. He should not enter into the danger arising from excessive importation from Canada, as he had no information to direct him to any opinion on that subject. If the bill passed, it ought to contain a clause to destroy all existing leases and bargains previously formed, as this was the first step towards the destruction of the system under which they had been formed originally. As to the low rate of taxation to which Ireland was subject, he thought it rather a grievance than a favour, that the misgovernment from which she had suffered, should have rendered her incapable of paying her fair proportion towards the burthens of the country. If they did put Canada in the same situation with respect to trade, that Ireland and England were placed in, they were bound to lay upon her the same prohibitions and the same taxes; in short, to incorporate her with the mother country, by an act of union, in which situation she might fairly expect to share in the advantages and defects to which her fellow-subjects here were exposed.

The Earl of *Liverpool* said, that the noble lord had completely misunderstood his argument. He had not contended for the adoption of the measure as opposed to the principle of the Corn laws, but had called upon their lordships to agree to it as a favour to our own colonies, even if we should resolve to maintain our present system of Corn laws against all the world.

The Earl of *Limerick* opposed the bill, the operation of which, he believed, would be no less injurious to the landed interest than to other national interests, which would, perhaps, engage more of the consideration of the House. The shipping interests, and the useful nursery for seamen which our coast-trade at present formed, would be destroyed by the admission of foreign corn in the way that was now proposed; and, at some future time, when perils threatened the country, we should look in vain for that host of able defenders who had heretofore made our navy the pride of England and the terror of the rest of the world. He saw no grounds upon which this measure was recommended, excepting by a vote of a public meeting in the city of London. Now, with all the highest opinion of the respectability of the persons composing that meeting, he thought, from their habits, and from the motives by which they were swayed, that they were not the fittest judges upon the subject. As little was he disposed to coincide with the crude opinions of the professors of political economy, no two of whom agreed as to the doctrines of their sect. He resisted this measure, because he considered it as the advanced guard of an attack hereafter to be made on the general Corn laws of the country. He could not regard any alteration in those laws otherwise than as an evil of the deepest dye in England, and as absolutely ruinous to Ireland. It pained him to see Ireland and Canada placed in juxta position. Between those two countries, in point of importance, there was no resemblance. The consumption of English manufactures by Ireland was beyond all proportion larger than in Canada. The House were not aware of the extent of injury which this opening of the corn trade with Canada was likely to produce. In the year 1824, there entered the port of London alone, 66 British ships, and no less than 444 foreign ships laden with corn. Until Canada was placed on the same footing with Ireland as to charges of government, tithes, &c., it was not a fair competition which parliament was about to institute between them.

Lord *Ellenborough* expressed his dissent from those noble lords who viewed a departure from the Corn laws, as injurious to the interests of the country. The present question was not, however, necessarily mixed up with that; and he could give it his support, without committing himself to any particular course when the general question of the Corn laws came to be discussed. This bill had two objects; the first one almost of humanity, that of giving facilities to certain persons who had speculated in the Corn trade, of bringing to market corn, of which there was otherwise no chance of their disposing. The quantity of corn so situated was too small to have any sensible effect upon the relations of landlord and tenant. Of this proposition he entirely approved; but of the second, he approved more warmly. The question seemed to resolve itself into this; "Shall we or shall we not keep Canada?" The time appeared particularly well chosen, as it was most important not to displease the Canadians by treating them illiberally, whilst we were acknowledging the independance of states in South America. He rejoiced to see the trade of Canada assimilated with that of Ireland. He did not apprehend the same consequences from the assimilation, as a noble lord who had just sat down. But it surprised him to hear the noble earl opposite express fears for the effect of commercial restrictions in Canada, and be so indifferent to the effect of civil restrictions in Ireland. If he really dreaded a separation of that colony on account of commerce, it was a little strange that he had no apprehensions from a people whose attachments were likely to be affected by the bereavement of every thing that rendered life dear and valuable. He concluded by guarding himself against giving any pledge on the general question of the Corn laws.

The Earl of *Enniskillen* saw in this bill, the ominous forerunner of a change in the Corn laws. He deprecated any alterations in that system as calculated to extinguish the small efforts which Ireland was making towards a resuscitation. The farmers of Ireland had been living upon borrowed money; but they would never be able to recover themselves, if they were exposed to competition with Canadian corn. He called upon the agriculturists to resist this bill. If they did not, there was every prospect of their being borne down by the monied interest altogether.

The Earl of *Carnarvon* said, he did not object to a partial alteration of the Corn laws, particularly such an one as would substitute a permanent duty on imported corn, in lieu of the inconvenient mode of opening and shutting the ports occasionally. The importation of American corn could not, under any circumstances, be brought into question until next session, and therefore, as many serious considerations were mixed up with this question, he would suggest its postponement for the present.

Lord *Redesdale* said, it appeared to him, that one very important point had been kept out of their lordships view. The constitution of this country was founded upon, and could never be separated from, the landed interest. To talk, therefore, of a free trade in corn, was at once absurd and dangerous. It was impossible that such a free trade could ever exist, consistently with the safety and prosperity of the kingdom. As to what had been said with respect to our trade with Canada, he had every wish that the interests of that colony should be attended to; but, he could not consent to advance them at the expense of the interest, of Great Britain. If the principle of admitting the corn grown in Canada into this country were once adopted, it must be carried to its fullest extent; and, were they, he would ask, prepared to state that they would give an unqualified admission to the corn of that colony? The landed interest of England were connected with the very spirit and essence of the British constitution, and could not be separated from it. It was, therefore, their duty to take care that those interests were not injured. Landed property, it was well known, had been assessed beyond any other kind of property. This he conceived incorrect, and he should always oppose himself to every measure which would have the effect of placing our corn trade on a footing with that of foreign countries. Upon these grounds he objected to the bill; and even if they did not exist, he should object no less to any measure which might have the effect of placing the Corn trade of England upon the same footing as that of any foreign country. To do this would be to adopt a policy, and one which was opposed to the soundest maxims of national economy. The land was the foundation of all our wealth, and from it every other description of advantage flowed. This had been the idea entertained by all our old writers on political economy, and experience had proved that they were not mistaken.

The House then divided: Content 27; Proxies 7—34; Not Content 24; Proxies 15—39. Majority against the amendment 5.

HOUSE OF COMMONS.

Tuesday, May 31.

Delays in the Court of Chancery.] Mr. *John Williams*, in rising to present certain petitions complaining of Delays, and other grievances to suitors in the court of Chancery, said, that though it was competent to him to submit a distinct motion on the subject to which those petitions referred, yet, from the length of time that had elapsed since he had before introduced the question, and from the circumstance that no one good had resulted from the measures adopted respecting it, there might exist some difference of opinion as to any other course than that he was now pursuing, he abandoned for the present the idea of another motion. If, however, he should hereafter think it worth his while to introduce the subject as a distinct motion, it would not be until every man out of that House (which was already the case), and every man in the House, was firmly convinced that the time when the commission appointed to inquire into the proceedings in the court of Chancery should have made its report, was long since elapsed. The commission, like the court to which it was appointed, was at least very deliberate in its proceedings; owing, probably, to the great degree of patience which some men were known to exercise with respect to the sufferings of others. When he first ventured to express his suspicions that no good would result from the appointment of that commission, he had, perhaps, in his view that observation of Mr. Burke—that serious reformers would never choose the authors and abettors of the system to be reformed as instruments for its correction. But, to say the truth, he had had from the first, no expectation from the labours of that commission. He thought the appointment of it was nothing but a parliamentary manœuvre of the right hon. gentleman opposite (Mr. Peel). He was not blaming him for it. He would admit that if he sat at the same side, had the same object, and possessed the countenance of the right hon. gentleman, he should follow the same course. [hear, and a laugh.] When he made this admission, he would only express his surprise that the right hon. gentleman could have mentioned the commission with a serious countenance, [a laugh]. The right hon. gentleman did laugh; and he believed that not even the gravest of his majesty's ministers, from the noble and learned lord to the right hon. gentleman, could peruse the list of commissioners, and reflect on the object for which they were appointed and refrain from laughter.

However, he was not sorry that the commission had been so tardy in their proceedings. The period which they had suffered to elapse, had given the system time to work, as the phrase was. It had brought things to maturity, which more strikingly showed the necessity of the reform for which he had contended. It now appeared that the number of causes and appeals which remained for hearing were upwards of four hundred. The judgments to be given in causes, appeals, petitions, and other "matters and things," as they expressed it in that court, amounted to 1,200, including the causes to be heard. Now, looking at the mode in which business had proceeded in Chancery since the year 1813, and taking the average of causes heard in each year in that time, as the measure by which to judge of the future progress of the court, the last cause now on the list would come on for a hearing (he would not say when for judgment) in forty years from the present date [hear, hear]. The maturity to which the evils had now arrived, would soon call for a more serious inquiry than that of the commission to which he alluded—an inquiry embracing the proceedings of the court from the issuing of the subpœna, to the putting in of the final answer. But, from the present commission he expected nothing. If thirty years should be considered a little too long for the duration of a chancery suit, or 10,000*l.* a sum a little too large to be expended on it, perhaps they would receive from the commission some such copious relief, as a reduction of the time to twenty-nine years and nine months, and of the expense to 9,999*l.* That was the quantum of relief to be expected from a commission thus constituted, and thus tediously, if not laboriously, employed [hear, hear!].

But, he did not despair: If such evils had arisen under the direction of consummate wisdom, it was time for folly to see what it could do in the reform of them. The time would come, when the country would not be satisfied with going merely to the rind and surface of this jurisdiction—a jurisdiction depending on no legal enactments, nor resting, like the common law, on any immemorial usages. He said "resting on no immemorial usages," for hon. gentlemen must be aware, that sir William Blackstone had said, that though there had been many accurate writers who treated on courts and their several jurisdictions before the period when the time of immemorial usage commenced, not one of them had taken any notice, or said a single syllable about the equitable jurisdiction of the court of Chancery—of that court, which had now swollen to such a magnitude that it actually reeled and staggered under its own weight, and was unable to bear the remedies which ought to be applied to it. Some persons might be inclined to ask, if this jurisdiction were founded neither in legislative enactment nor in immemorial usage, how was it founded? The answer was direct and easy—it was founded in the conscience of the keepers of the great seal, of which, as they had generally been priests or lawyers, he would merely say, that it was a sandy foundation, if ever there was one, for a great paramount jurisdiction. As his own opinion might have but little weight with the audience he was addressing, he would venture to state to the House what an eminent lawyer of former times had said upon this subject. Selden, whose learning was as unbounded as his attachment to the genuine principles of the constitution—Selden, in speaking of the origin of the court of Chancery, and its way of conducting business, made use of the following expressions:—"Equity is a roguish thing; for law we have a measure—know what to trust to; equity is according to the conscience of him that is chancellor, and as that is larger, or narrower, so is equity. It is all one as if they should make the standard for the measure we call a foot, a chancellor's foot; what an uncertain measure would this be! One chancellor has a long foot, another a short foot, a third an indifferent foot: it is the same thing in the chancellor's conscience." Now, if this was a fair description of the foundation on which the jurisdiction of the court of Chancery rested—if it depended on the consciences of he knew not what lawyer, or what priest—could it be rested on a more unsound, a more impolitic, or a more unprofitable foundation for the people of England? That circumstance by itself would form a sufficient reason for inquiry into the jurisdiction of the court of Chancery, even if there were not other reasons which rendered that inquiry unavoidable; and he was certain, that the length of time during which the present commission had been engaged in examining into it, would greatly accelerate, mature, and consummate, that good work.

He had now spoken of the jurisdiction. He would further state, that it would become worthy of consideration to the people of England, whether, in place of such a system as now existed, it was not high time in this "thinking country," as Mr. Cobbett had ironically called it, to substitute another—whether it was not high time to give over resting on such a foundation as he had described, and to try and attempt a system on the authoritative foundation of the legislature of the country, ascertaining, describing, defining, limiting, and laying down, certain rules for the guidance of suitors, so that they may in future have to trust to legislative enactments, and not the conscience of any chancellor [hear]. He trusted that no long time would elapse before this subject was fully considered, either in parliament or elsewhere. He thought, indeed, that it was impossible that the country would long allow the question to remain unexamined, how far it was in theory just, and in practice expedient, that there should be two systems of judicature, co-existent at the same time, in one and the same country —a phenomenon in jurisprudence, which he had the authority of Blackstone for saying, "was not at present known, nor did it seem ever to have been known, in any other country at any time." He apprehended that it would be convenient for the people of England to learn, whether it was fit and proper, that by law a remedy should be pointed out to the suitor for a grievance—that he should be at liberty to pursue that remedy up to a certain point—that, after he had advanced so far, he should be withdrawn from the tribunal from which he had claimed redress, to another tribunal, proceeding upon separate rules, and acting upon a contrary law—that he should be forced out of the court which would have submitted his case for trial to a jury of his country, to be placed in a court of equity, where the most unsatisfactory mode of trial was pursued, by admitting written interrogatories, and none else, to be administered to a witness in one place, by an examinant in another, and by leaving the effect of those interrogatories, indefinite and uncertain as they were, to be afterwards judged of by a single individual—that he should be torn from a tribunal of which the rules had often saved the constitution, to be dragged into another, which acted on rules intelligible to few persons and beneficial to none; and that when he had arrived, as he supposed, at the end of his trouble, when he had made the court acquainted with all the facts of his case, the court of Chancery should then be allowed to interfere—and till then it was not allowed to interfere—to render unavailable all the measures he had taken; and that, too, without grounding its proceedings on a single affidavit, though the result of them was to rob the suitor of the righteous fruit of his judgment—namely, his execution [hear].

Circumstances like these must, he was sure, become the subject of grave inquiry and mature deliberation, when this commission for noticing the skirts and fringes of the court of Chancery—this commission for entering into its mere rind and surface, and for not proceeding any further—this commission for considering how much it was possible to shorten the distance between the first subpœna and the final answer should have passed away, and left no trace of its existence behind it. He contended, that the circumstances he had mentioned must ere long form the substantial and paramount parts of some legislative inquiry. He was convinced that the country would not much longer endure that an equitable jurisdiction should, after a suitor had almost reached the termination of an action at law, take that action from a court which knew the facts of it, and was the best judge of any equitable circumstances belonging to it, and place it in another court, which knew nothing of it, and which compelled the suitor to incur an expenditure of tenfold the amount of that which he had previously incurred in the court of law. He likewise apprehended, that, whether the present commission was engaged in such inquiries or not, it would be fitting to inquire how far it was right in this "thinking country," that a man, who had made himself master of a sum of money under circumstances of a palpable fraud, no matter how capable that fraud was of development, or how large the sum was he had obtained, should be able to defend himself successfully against all summary proceedings for the recovery of it. For instance, was it right that a trustee who had misapplied trust money in his hands, should have the doors of equity thrown open to him, so as to find refuge within it from the just claims of those whom he had defrauded? As the law now stood, the person injured could not obtain any redress as against a trustee without seeking for it in the court of Chancery. So, too, with regard to executors. An estate might be left by a testator worth 100,000*l.*, and the debts upon it might not amount to one farthing. The payment of a legacy to the amount of 1,000*l.* might be deferred for years, if the executor to the will chose to say, "Let me see what the amount of this estate is, before I pay to you the bequest of the testator." In so plain a case, which required and admitted of a speedy remedy, the legatee was entirely without relief, unless he thought proper to seek it in that most odious dungeon, the court of Chancery, from which, when he was once immured in it, he seldom escaped without loss of comfort, fortune, and life [hear]. He did not mean to say that people were killed in that court, but that they were subjected in it to a species of living death, in the anxiety and mental torture to which its proceedings gave rise, and that they often perished by starvation, owing to the manner in which it expended and deprived them of their scanty means [hear].

But, to return to the point from which he had digressed. Was it right, he would ask, that this "thinking people" should, in two such clear cases as he had just mentioned, be referred for relief, as it was insultingly and mockingly called, to the court of Chancery—a relief, too, which consisted of nothing more than a taking care of the suitor and his property for the term of his natural life? These points regarded the tribunal, as those to which he had before referred regarded the jurisdiction, of equity. They demanded inquiry; but it was an inquiry that ought to be conducted—he would speak out plainly—not by lawyers, either ancient or modern—not by persons either moving in the trammels, or enjoying the emoluments, of the law; but, if it was to be successful, by persons possessing greater information, greater intelligence, and more philosophy and reasoning, than generally fell to the lot of members of the profession. In making that observation, he did not wish it to be supposed that he was making any personal allusion to the members of the existing commission. His hon. and learned friend the member for Exeter (Mr. W. Courtenay) might be certain that he had no intention to attack him particularly; his observation was intended to apply to the profession generally, and to himself amongst others, as a member of it. He claimed not for himself that merit which he denied to others, but willingly took his share of the censure which he passed upon them.

Letting that point, however, pass for the present, he would proceed to another, which he conceived would be found interesting to all who heard him. He apprehended that before the report of the commission, partial or otherwise, was received by the House, the time would be thought to have arrived for considering the system of the transfer of real property in England—a system which, if gentlemen thought of it at all, they must see to be utterly disgraceful to the country, and to be matter of perfect sarcasm, ridicule, and disgust, to those who understood it, and saw how it was managed [hear, hear]. He would explain what he meant by that remark. In all the ordinary contracts of life, relating to personal property, a man knew what he undertook to buy, and what he undertook to give for it. For instance, if a man bought a horse, he saw what he had to receive, and he knew the price he had to pay for it. In ninety-nine cases out of a hundred, men were acquainted with the terms of the bargain they had made. But in case they purchased land, even to the amount of 100,000*l*., he would undertake to say that not even the right hon. gentleman opposite, nor his hon. and learned friend who sat near him, nor one lawyer in five hundred—for the chosen few who understood this department of the law were not more than half a dozen—would venture to affirm, that they were receiving for their 100,000*l*. the worth of 100,000*l*. or of one farthing. In point of fact, they knew no more upon that point, than he did upon the law of China or Hindoostan. The law affecting the transfer of real property was reserved for the consideration and profit of a select few, removed from the general practice of the profession, "whose ways were past finding out," whose movements were no more to be determined by reason than those of the astrologer, who, to use the language of Hudibras,

> "——Deals in destiny's dark counsels,
> And sage opinions of the moon sells;"

whose principles were no more intelligible than those contained in the dicta of the magi, or in any thing else that was purposely hidden from the understanding of mankind. He repeated, that the people of England, that ninety-nine lawyers out of a hundred, were utterly ignorant of the principles on which real property was transferred. Why did he mention that fact? Because it was one of those out of which the court of Chancery was fed—because it was the doubts thrown upon the titles of lands that filled its insatiate maw with so many dainty morsels—because it led to the filing of those special bills for specific purposes (to use the slang of the court of Chancery) which occasioned such delightful pickings for the Chancery lawyers. That species of business greatly contributed to swell out the humours of that dangerous excrescence which had grown out of this equitable jurisdiction, by an action, which might be healthy or might be the reverse, but which would remain to be as much considered after the reception of the report of the committee as it did at the present moment.

There was likewise another matter for inquiry, which he thought the House, when he stated it, would consider to be right marvellous, but of which he would merely say—

> "'Tis true 'tis pity, and pity 'tis 'tis true."

If any gentleman had any regard for the credit of the law; what would he think of it, when he heard that if a man died worth only 20*l*. in land, which he disposed of by will, and a doubt arose as to his competency to make such a will, it was a matter of right to the heir to demand a trial of the testator's competency before a jury of the country; whereas, if he died worth 100,000*l.* personal property, and the question arose of his competency to make a will, it was impossible, by any exertion of legal skill, to get that question framed into an issue to be tried by the country? [Cries of "no, no," from the ministerial benches.] If he was wrong in that opinion, no doubt his learned friend, the Solicitor-general, who, he expected, would enter at length into the defence of the court in which he practised, would hereafter set him right, and point out the mode by which that issue was to be obtained. But if he had any knowledge in the trade of the law (and he did not pretend to much), the fact decidedly was as he had stated it [hear, hear, from the ministerial benches]. He did not exactly know what that cheer meant. Perhaps it meant to say, that the commission was already over head and ears in the consideration of the point he had suggested. He should be glad to hear that it was so; but he was afraid that that point, as well as some others which he had mentioned, were points of important and essential inquiry, going a little beyond the forms of procedure to which he believed the labours of the commission were to be more particularly directed.

There was, moreover, another subject, and it was the last which he should mention, which was as worthy of investigation as any of those to which he had before referred; and that was, how far it might be expedient altogether to remove the jurisdiction of bankruptcy, from the Chancery, with which it had no immediate connexion. When that investigation was entered upon, it would be expedient to enter at the same time upon a revision of all the proceedings in bankruptcy, and certainly of all the matters which were decided before an appeal was made to the chancellor. On this point he would beg leave to quote the opinion of a learned gentleman, who was not accustomed to speak with levity of what he (Mr. Williams) called the antiquated errors of the law, who, in a pamphlet which he had recently published, had affirmed, with regard to the mode of proceeding in matters of bankruptcy, that, if all the mischievous imaginations in the world had been set at work to devise mischief, it would have been next to impossible for them to have constituted a court more calculated for the end proposed, than the bankrupt courts as they existed at present. He submitted that this statement was true to the letter; and his reason for calling the attention of the House to it now was, that when he had first mentioned the subject to the House, it was attempted to drive him from it by unremitting assertions that, in the court of Chancery, and every department connected with it, all was right; that there was no delay in its proceedings, no complaints against its forms, no extraordinary expenses created by its jurisdiction; in short, that there was nothing in it, either done or said, which was not consistent with the welfare of the people of England. Now, that he had an admission from the other side, that every thing was not as it ought to be in the court of Chancery, he would venture, but with all due humility to the members of the commission now sitting, to suggest, if it were not now too late, and they did not think their inquiry to be limited to the mere form of the proceedings in the court of Chancery —he would venture, he said, to suggest to them the propriety of making certain necessary and fundamental changes in that court. They might be made with perfect safety; because, if what he had heard of the court was correct, he defied any man, by any alteration, to make it worse [hear, hear].

He had now concluded the observations he had to make on the leading points which he conceived to be deserving of inquiry in the court of Chancery, and should proceed to bring forward the particulars of some cases which had been placed in his hand with a view to illustrate them. And here he begged leave to state, that the cases, of which he was going to repeat the detail to the House, were not cases with which he had individually to do. In a former session, when he had brought forward his motion for an inquiry into the delays and abuses of the court of Chancery, he had said, that he felt himself responsible for the correctness of the cases he had mentioned. On the present occasion he said no such thing; but merely laid the petitions on the table, in the discharge of his duty as a member of parliament. Not that he thought them liable to doubt, and controversy—quite the reverse; but that he did not like to pledge himself to that, of which he had no personal knowledge whatever. One of the petitions he had to present was entitled to the most respectful consideration, as it came from a gentleman, who was described to him as a gentleman of high honour and character. The petition to which he alluded was the petition of Samuel Palmer, one of the church wardens of the parish of Newington. That petition stated, that in October 1658, there was granted by the then lord of the manor of Walworth, to the overseers and churchwardens of the parish of Newington, a piece of land, of which the rents, issues, and profits were to be applied to the use of the parish. In the month of August, 1820, the trustees of the charity filed a petition in the court of Chancery, stating that the annual income of the property, which had formerly been small, was now increased to 600*l.* a-year, and praying that it might be referred to the Master to determine in what manner it should hereafter be applied. That petition was heard on the 4th of November, 1820, before the vice-chancellor. He referred it to the Master. In two years and four months afterwards, the Master made his report; and by that report he took away the jurisdiction over the rents, issues, and profits from the overseers, and gave it to the trustees. Against that report the petitioner presented a petition to the lord chancellor on the 15th of March 1823, and on the 12th of April the trustees presented another petition, praying that that report should stand confirmed. In August 1823, the Master restored the jurisdiction to the overseers. In October a petition was presented by the overseers to the lord chancellor, to have that report confirmed. A contrary petition was presented by the trustees, in November. In August, he ought to say, that a supplemental bill had been filed by the trustees, so that in November, 1823, there were three petitions before the lord chancellor respecting this charity, all waiting for his adjudication. And here he begged leave to state, that between that latter period and the present—for the matter unfortunately was still pending—two questions had arisen before the lord chancellor, which he had no doubt that his learned friend would tell them required some deliberation; and which, for any thing he knew to the contrary, might really deserve it. The first was, how far the present lords of the manor of Walworth; namely, the dean and chapter of Canterbury, had a right, as visitors, to interfere with the charity. This question, he ought to state, was suggested on affidavit by the solicitor for the trustees, on the suggestion of his own mind, and not at their instance or request. The second question was, how far the overseers of the poor for the parish of Newington, who were now appointed under a local act, were overseers as contemplated by the statute of Elizabeth. The great and eminent lawyers of the court of Chancery might say, that the consideration of these points was wise and necessary; but, to the understanding of the petitioner, it appeared quite the reverse. He could not understand why forty attendances when these petitions were in the paper, but when they were not even touched, amounting to 56*l.* 6*s.* 8*d.*, without reckoning the fees of counsel to sustain them, were wise and necessary. He could not understand why 16 attendances at times when the matter was not heard, but only, mentioned, amounting to 30*l.* 13*s.* 4*d.* making with the expenses above enumerated 86*l.* odd, were wise and necessary. He could not quite understand why it was wise and necessary, that five years should pass away, during which the whole or at least part of the charity was suspended. In that time, out of forty individuals who benefitted by this charity nine had died, and none had been elected to fill their place. In that time 1,273*l.* had accumulated to the funds of the charity; and the petitioner could not see how it was in theory just, or in practice useful, that this accumulation should be withheld from those for whose benefit it was intended. Indeed, the petitioner could not comprehend the wisdom and necessity of many of the charges in this bill of costs, of which, with their permission, he would read a few items to the House. Here the learned gentleman read the following extracts from the bill of costs, which excited great laughter in the House,—

		£.	s.	d.
Dec. 6. 1824.	Attending court, three petitions in the paper for judgment, when the lord chancellor went partially into the matter, and requested to be furnished with the repealed local Act, which he said he would read, and give his judgment to-morrow	2	0	0
7.	Attending court all day, three petitions in the paper, when his lordship said, "he had to leave			

early, but would not fail giving his judgment to-morrow morning"	2	0	0
8. Attending court all day, three petitions in the paper for judgment, when the lord Chancellor adverted to the question of jurisdiction, which he desired to be again spoken to, and requested that the dean and chapter of Canterbury, they being the lords of the manor of Walworth, should attend him, and appointed Saturday next for that purpose; and requested to be informed as to the mode of appointing overseers at the time the charity was founded . .	2	0	0
11. Attending court all day, three petitions, when the same were called on; and Mr. Shadwell applied, on the part of the dean and chapter of Canterbury, to let the petitions stand over, and the same were ordered till the first seal before Hilary term, to give the dean and chapter an opportunity of considering what course they should take	2	0	0
Jan. 11. 1825. Attending court on three petitions, when Mr. Shadwell, on the part of the dean and chapter, stated, he was not prepared to go on; and the lord chancellor ordered the same to stand for this day fortnight peremptory	2	0	0
25. Attending court all day, three petitions on the paper, but same not called on . . .	1	10	0
26. The like attendance this day .	1	10	0
27. The like attendance this day .	1	10	0
28. The like attendance this day .	1	10	0
29. Attending court, three petitions in the paper; same called on, and ordered to stand for Tuesday next, for the dean and chapter to prove themselves entitled to interfere in this matter as visitors .	2	0	0
Feb. 1. Attending court all day; three petitions in the paper, but same not called on . .	1	10	0
4. Attending court all day; three petitions in the paper, but same not called on . . .	1	10	0
5. The like attendance in court this day; three petitions in the paper .	1	10	0
9. The like attendance this day .	1	10	0
10. The like attendance this day .	1	10	0
11. The like attendance this day .	1	10	0
23. Attending court, when the lord chancellor directed the registrar to put the petitions in the paper for Tuesday next . . .	0	6	8

"This," said Mr. Williams, "is a dies cretâ notandus, as it is only 6*s.* 8*d.*, and neither 2*l.*, nor 1*l.* 10*s.*"

March 1. Attending court on three petitions; same in the paper, and called on, when the various points suggested by the court were again argued at some length, and his lordship promised to give his judgment this day week . .	2	0	0
8. Attending court, but the lord chancellor did not give his judgment according to his promise .	0	6	8

The learned gentleman then proceeded to say, that though there had been all these attendances on the part of the solicitor, and all these promises on the part of the lord chancellor, the matter had not yet been brought to a decision [hear, hear]. He had stated, that out of forty persons who were entitled to the benefits of this charity, nine had died; and he must now add, that the consequence of this suspension of its funds had been, that nine individuals, who had been selected to fill the vacancies occasioned by the deaths, had been driven to the necessity of seeking parochial relief, and had so rendered themselves incompetent to become partakers of the charity. The petitioner stated, that he considered such a state of things a grievance, and he therefore humbly prayed the House of Commons that it would take some measures to remedy the delays of the court of Chancery.

The next petition which he had to present was the petition of a Mr. Walter Honywood Yate, who describes himself as an individual entitled to estates in the counties of Worcester, Gloucester, and Hereford. He said he was now entitled, provided he filed a bill in equity, to several important estates, which, however, it was in vain for him to attempt to recover, as he had not the pecuniary means which a man ought to possess before he embarked in the dangerous voyage through the shoals of Chancery. To give the House an idea of the enormous expenses to which it was believed that proceedings in that Court necessarily gave rise, he stated, that a late respected member of that House, Mr. Ricardo, had left by his will a sum of 50,000*l.* as a nest-egg to provide funds for the defrayal of any expenses to which his heirs might be put in the court of Chancery, in defence of their title to the estates which he had bought; thereby giving his opinion of what he conceived likely to be the result of being lugged by any unfortunate circumstance into that most dreadful and most vexatious of English courts. He would read the last paragraph but one in this petition to the House, because he considered it worthy of its most deliberate attention. It stated, that "the petitioner being wholly debarred from recovering his property or obtaining his rights by an appeal to a court of equity, throws himself in respectful confidence on the compassionate benevolence, wisdom, and justice of the House, and with all due deference and humility begs leave to suggest, whether it would not be expedient for a committee of the House to ascertain how the present system of administering justice in courts of equity can be ameliorated, so as to render the appeals thereunto less expensive and dilatory, and more within the reach of all classes of his majesty's subjects, especially to suitors of scanty means, and to those similarly circumstanced with the petitioner, that equity and law may be administered with facility, promptness, and cheapness, which would indeed be conferring one of the greatest boons the House could bestow on the community, especially to the poor and oppressed, as it would be more universally beneficial and more gratefully appreciated than the repeal of any impost, or the reduction of any tax."

The next petition which he had to present, was a petition from a person of the name of Gummow, who, he believed, was someway or other connected with the family of the marquis of Stafford. The petitioner stated, that he had been left, by the late duke of Queensberry, an annuity of 300*l*. a-year; and declared that there was a provision in his grace's will requiring the trustees to invest, immediately after his death,as much stock in the 3 per cent consolidated annuities as would secure to the petitioner such an annuity. Shortly after the duke's decease his property was thrown into Chancery by the executors of his will—a measure of which the petitioner did not complain, though he did of the delays of the court of Chancery. This was in 1810. For seven years, though there were avowedly large funds in the court belonging to the estate, the petitioner did not receive one farthing of his annuity. At the end of those seven years the petitioner received one-fourth part of the arrears due to him. A period of three years elapsed before the petitioner had received further payment; and there were now arrears to the amount of 1,386*l*. due to him, though the funds belonging to the estate were ample and almost inexhaustible. The petitioner calculated the loss he had suffered by the non-payment of these arrears at simple interest at 1,100*l*., and at compound interest at 1,400*l*. He further calculated, that if the money, as it had accumulated, had been purchased into the funds, it would at this time have made a difference to him of 2,800*l*. To compensate him for this damage, he had the satisfaction of being told, that every thing was done according to the ordinary rules of equity [hear]. That might be very fine satisfaction for the hon. gentlemen opposite, but it was very cold comfort to this petitioner. He therefore thought his case worthy of the notice of the House, and recommended it to their consideration, with this piece of information—that many annuitants under the duke of Queensberry's will had been compelled to hide their heads in work-houses, in consequence of the non-payment of their annuities, for which there were funds enough in the court of Chancery, had they not been locked up by the proceedings instituted in it.

The next petition which he had to present, came from Mr. Gourlay. The petitioner stated, that he had presented two petitions before, to which the House had paid little attention, but that their inattention did not prevent him from presenting to them a third. He dated the origin of his ruin from the day in which he was forced to enter into the court of Chancery. He detailed some of the struggles in which he had been engaged in it; stated that he had recently been victorious in two issues, which he had obtained from it; but he added, that his victories, like those of Pyrrhus, had been as fatal to him as defeats. He declared that the result and benefit of them had been nothing, and that retreat from the contest appeared to him now to be the only good he could obtain. He prayed the House to assist him in that object. He said he had a manual of his own case in readiness, and that he wished the House would afford him aid to print it; and he should certainly move that his wishes should be gratified, when the proper time should arrive.

The next petition which he had to present was from an individual of the name of Joseph Hescott, who was now confined in the Fleet prison, under an attachment from the court of Chancery. This individual stated himself to be more than 71 years of age, and that he had been committed for not answering certain interrogatories. A bill had been filed against him and another person of the name of Brown, and in consequence of his not putting in an answer to it, he had now been in confinement two years and five months. Brown, it appeared, was his intimate friend and his co-defendant. The petition stated, that, before his committal, he was living at Navenby near Lincoln; that he was utterly ignorant of the nature of law proceedings; that he had never been engaged in a law-suit in his life; and that he had trusted every thing relating to this suit to his friend Brown, and to the solicitor whom Brown had employed. It proceeded to say, that certain interrogatories were filed; that an answer to them was not put in in time; and that the consequence was, that he had been committed, not to the county gaol at Lincoln, but to the Fleet-prison in London, by a special messenger, at an expense of 50*l.* in hard money. Here he must interrupt the course of the petition to state, that, until those costs were paid, the contempt of the petitioner could not be cleared, and he himself could not be heard in court. The petition then went on to declare, that for more than a year and a half, immediately subsequent to his committal to the Fleet, he was entirely bereft of his intellects; that in that interval his friend Brown died, and that he must have died too from want, had it not been for the kindness of the warden of the Fleet prison, whose name he was sorry he did not know [Here some member said it was Brown]. Well, then, he must have died, had it not been for the kindness of Mr. Brown, and the humanity of one of his fellow-prisoners. The petitioner further stated, that he had no means whereby to defray the expenses which had been incurred in the execution of the attachment against him, though he had now put in his answer to the interrogatories filed against him. He remained in the Fleet prison at this moment; and there, he said, he must remain till the end of his life, if the House did not exercise its humane and necessary interference in his behalf. He asserted that many individuals in that prison were similarly situated with himself; and that the course of the court of Chancery was, not to inquire why no answer had been put in, but to proceed to imprison the offender, no matter whether his offence proceeded from ignorance and inadvertency, or from deliberate obstinacy and malignity.

The only remaining case which he had to state was that of Tunbridge school. And here he wished it to be distinctly understood, that he was not now bringing forward the worst cases within his knowledge; by no means; he was acquainted with cases much worse than any of those he had mentioned; but those he would not bring forward, as his day was not yet come. He presented this case of Tunbridge school to the consideration of the House, because it had been given to him for that express purpose. The case was known in the profession as "The Attorney-general v. the Skinners' Company;" and the object of it was, to recover an estate for the school, worth from 4,000*l.* to 5,000*l.* a-year. In 1820, the case was heard before the vice-chancellor, and was promptly decided. There was an appeal, as there always would be where there was money to support it, from the decision of the vice-chancellor to that of the lord chancellor; and that appeal, after standing for just one year and eight months before his lordship, at last came on for hearing. It was heard, and the lord chancellor confirmed the decision of the court below, on the correctness of which he understood it was impossible to harbour a single doubt. In 1821, on another petition, the decision was the same way. The case then went into the Master's office, and there it remained two years. Death took off the master; and the case then went to another, who succeeded him. He had exerted himself, no doubt, to the utmost; but, in spite of all his exertions, the matter was in Chancery still. It was now in the seventh year of its age; and how much older it might grow was a point he would not pretend to determine. The income in dispute was between 4,000*l.* and 5,000*l.* a-year; and all parties had agreed, that it should be applied in increasing the amount of exhibitions belonging to the school. One generation of boys had been defrauded of, or if that were too strong a word, had lost the benefit of, these exhibitions: and another generation of boys was likely to have the same loss to submit to; for the court of Chancery unfortunately laid fast hold of all the funds in dispute. Let the vice-chancellor decide promptly —nay, let the lord chancellor do the same; let there be doubt upon the question or no doubt, if property were involved in it, the court of Chancery fixed its fangs into it: if there were money, it fattened upon it; if there were life, it fed upon it

[hear]. The evil was not of modern creation: it existed a hundred and fifty years ago, as Butler bore testimony in his Hudibras. For there the knight, after he had tried every means to win the widow, direct and indirect—and direct means were always the best to be pursued in such cases—after he had assailed her with all the artillery of sighs and glances—after he had attempted to draw her into an epistolary correspondence, and had tried, but in vain, many other amatory proceedings, received the advice of his squire to write her "a love-letter in Chancery," which, he stated,

> "Would bring her o'er to be his wife,
> Or make her weary of her life."—[A laugh.]

Yes, he would undertake to say that the widow would have consented to take the knight, the squire, "the general camp, pioneers, and all," rather than take in that bill of Chancery, which was as great a nuisance a hundred and fifty years ago as it was at present.

He begged leave to remind the House, that all the petitioners applied for relief to the grievances they had stated through the Commons House of parliament. He thought that they were right in so doing; for, through the House of Commons was their remedy to be obtained, or through no other quarter. Of the commission now sitting he would say nothing; into Chancery it had been cast and thrown, and he anticipated that, at no distant time, the House would receive a suppliant petition from the members of it, praying to be delivered from the irrelievable court into which they had been cast by the manœuvre of the right hon. Secretary for the Home department. He expected no good from the sitting of that commission. In that House, and in that House alone, could the recovery of the court of Chancery be effected from the diseases which beset it. A committee of that House, or nobody, must be the surgeon to accomplish the cure. It was in vain to tell him of lawyers reforming themselves—of courts of justice sitting upon their own abuses, and flogging themselves out of their jurisdictions and their fees, as Sancho Panza flogged himself out of his vices and peccadillos. Whatever might be thought or said within the walls of parliament, the people of England knew full well that from such proceedings no amelioration of the system could be rationally expected. It was therefore incumbent on the House—for the time was now come—to take some decisive step forward. For, how stood the matter with regard to the law of England? With regard to the right hon. Secretary opposite, he was willing to make no niggardly allowance to his credit. He knew not how many statutes he had got rid of at one blow, in his attempt to amend the system of juries. It might be forty. [A voice from the ministerial benches, "Ten times forty."] It might be five hundred; and if so, the greater the merit of the right hon. Secretary. Let him, however, recollect, that there might be a multiplicity of other statutes which might equally require to be repealed.

In referring historically to the legislative anxiety for the proper administration of justice which characterized this country, there was one splendid act which bore the date of the reign of James 1st, and which required that that House should annually resolve itself into a committee for the consideration of matters of justice—an act productive of great and salutary results, and capable of being rendered, when properly applied, a blessing to the country. The forms of this committee still remained, its annual appointment was arranged—by name the country had it—they had the bones and skeleton of the original thing—these, these alone remained; but the form and substance were wasted away. However, the principle of this committee had been since conducted, no great general benefit had accrued of late times from its application. Some specific and crying grievance, it was true, had occupied attention—some partial ameliorations had been attempted, or applied,—some patch of purple, or black, had been attached to the covering—

> "Purpureus late qui splendeat unus et alter—
> Assuitur pannus—"

but no great leading reformation had been effected. The subject had never been considered as a whole—never looked upon with an enlarged and comprehensive eye, and therefore the microscopic glances which were occasionally taken at it, had not only helped to render "confusion worse confounded," but instead of improving that which required improvement and was capable of it, to bring the general system from bad to worse and make it what it was—a disgrace to the country [hear, hear]. Was it fit, in the present enlightened and advanced state of public information and improvement in this country that such a mass of abuse and absurdity should be suffered to continue?

He would loudly answer no. To suffer it was a disgrace. For what else but a disgrace was it, to be behind a neighbouring country, in so valuable an institution as that of law, and in such essential requisites as the clearness, fulness, expedition, and cheapness of its administration? And yet, this was the condition of England at this very time, as compared with France.

But, while he deplored on the part of his own country this imperfect administration of her laws, he did not affect or venture upon any thing so foolish as to propose any remedy. It was no answer to his complaint, to say, that he was unable to suggest a remedy. Whether such remedy could or could not be applied was what he should not say; but, this he would say, and did say, that whether the reformation were practicable or not, it was due to the people of England that the attempt should be made [hear, hear]. The enlightened feelings of the nation were at variance with the existing system of the court of Chancery; it put men to the blush, and stopped the channel of justice. In times of antiquity at Athens, officers of knowledge and reputation were annually appointed, whose sole business it was, not to make new laws, but to consider what reformation the fluctuation of the circumstances of times required in the old: they were bound to consider what had grown useless, what had grown foolish, in the Athenian code; and to report upon it, in order to move for its repeal. Where, he would ask, had this country so excellent and useful a mode of revision, to chasten the pruriency which, in the lapse of time, had obtained in its laws? They had, indeed, in its full operation the machinery of legislation which added largely to the already incumbering bulk of their code; giving enough to its dimensions, but nothing to its permanency—nothing to its utility. It had been a long-established maxim, that every thing which was worthy of being attended to was difficult to be obtained; but, admitting the difficulty in the present case, were not the people of this country worthy of the attempt to have their system, their conflicting system, of laws reduced to some rational standard, instead of having their time and money wasted in perpetuating shameless and interminable proceedings, like the Chancery bills to which he had alluded? They had instances enough in other countries of similar attempts being made with success to reform old and bad institutions. The king of Bavaria had introduced an improved penal code into his dominions. They need not look, indeed, beyond the neighbouring country of France, to see the beneficial results which attended a revision of the old law: there, indeed, it was effected by a usurper, a man of great and singular qualities; and of great and singular fortunes—a soldier, one of whom it might be said, as was said of Cæsar—"Nimium, assueverat militaribus rebus,"—a conqueror too, warring with the world, but while engaged, it could not be said absorbed, in these great achievements, he had left behind him a code of law which would eternize his fame, and form a monument to his greatness that would last, and be remembered with gratitude, when the history of his wars and the vices of his military ambition would have long passed away. What a great neighbouring country had so well done, might surely be tried in this: the reformation of the code was bequeathed to them as the legacy of a great man's genius and industry, done by him in prosperity, as they might do it now, having the same necessity and the benefit of the successful example [hear, hear]. A professional gentleman had lately published a book upon the crying grievance of this court of Chancery; and when he alluded to the work, he begged to say, that were it not that the opinions it contained were thus avowed, he should not have originated them: they were not of his introduction, but of Mr. Miller, the learned gentleman who was the author of the book; and certainly there was an air of truth about them, and the absence of all apparent ill-will, which gave them strength. The author, after quoting the chancellor D'Agnesseau's opinion of what ought to be the constitution of a court of equity, adverted to what that court had practically become in this country, and said, "lord Eldon has not thought fit to follow these directions throughout the length of his reign"—(so that the author thought the present lord chancellor's dominion in Chancery deserved to be styled a reign)—"and had unfortunately for the people, and for his own reputation taken a different course." He went on to observe, that lord Eldon, "feeling that his strength did not lie so much in the depth or comprehensiveness of his general views as in the minutiæ of precedents and practice, had found that the surest way to continue in place was to abstain from innovation, and he had therefore opposed all decided improvements, and looked with an unfavourable eye on such as were proposed by others." His next remark was, that "one of the disadvantages of permitting an aged person to continue too long in his office was, that he was apt to look upon it rather as a private possession than as a public trust." This observation was just as well as that by which it was succeeded: "it is probable that at this moment lord Eldon has no conception of the sentiment almost universally entertained of his judicial administration, either by those who frequent his court, or by those who are capable of judging of it." "Throughout his life," Mr. Miller added, "his lordship has made submissiveness, and mediocrity the passports to his favour." The writer then added, that he was not actuated by any personal or private considerations in giving his opinions publicity, but that he printed them merely because he felt a strong conviction of their truth. "Even at this moment his lordship" said, Mr. Miller, "was grievously obstructing the improvement of the law, and has done an injury to his profession, which is almost irreparable, omitting no opportunity of ridiculing and resisting every attempt at rectification." It was obvious that the author spoke the sincere conviction of his understanding; and if he (Mr. W.) had not been persuaded of that fact, he would have been the last man in the kingdom, circumstanced as he was, and in such a place, to give utterance to such sentiments. They had been made public, and therefore he was justified in using them; he quoted them as he found them, and he believed that they originated with a man who, with competent means of information, was satisfied of the truth of all he advanced.

Before he sat down he would only make one concluding remark. The intelligence of the country looked to the House for a remedy. Whatever might be asserted by lawyers, puffing the craft by which they lived, he would assert, that the great body of the people of England, the growing information, the march of intellect, the glorious progress of arts, and science among them, demanded that some effectual remedy should be applied to the evil: and an indifference to the demand would be felt as a gross censure upon those who permitted any longer the existence of a system which was as much at variance with the intelligence and information, as it was with the happiness and justice of the country.

Mr. *Denison* wished to bear testimony to the character of Mr. Palmer, one of the petitioners, with whose respectability, probity, and honour, he had long been acquainted. He considered the public much indebted to the learned member, for bringing the subject before the House; for, whether the cruel delays of the court of Chancery proceeded from the system, or the numerous avocations, legal and political, of the dignified individual who presided in it, it was clear that the time had arrived, when some remedy ought to be applied to such enormous grievances.

Mr. *John Smith* said, that in presuming to address the House upon this occasion, he meant not to cast the slightest reflection upon the lord chancellor as an individual, still less to discuss the professional merits of the system under which he acted, and of which—speaking of its technical merits—he could not affect to be a judge. He only wished to state his opinion generally of the grievances which the people of this country, especially those engaged in commerce, laboured under from the practical operation of the existing administration of justice in the court of Chancery. The system of it was looked upon with terror by men of business: indeed, it was not an uncommon practice when individuals differed in commercial transactions, to threaten to file a bill in Chancery; which was such a threat, that he had known many instances of parties suffering the greatest impositions rather than incur. He could state a fact in illustration of this feeling, which had happened to himself. In the course of his pecuniary dealings, he had lent a sum of 4, 500*l.* to an individual, on the bond of a most respectable third party. The bond fell due eighteen months after this loan, and when application was made in due course for payment, the answer of the grantor was. "True, I signed this bond, and negociated, but I do not owe the party so much now; for since I granted it I have had other transactions with him, and now only owe him 4,000*l.* instead of 4,500*l.*, and that is all I shall pay." Thinking this answer a very extraordinary one, he (Mr. Smith) took the bond to his solicitor, and stated to him the circumstances, when he was informed, as he had expected, that the subsequent pecuniary affairs between the parties had nothing to do with the original obligation of the bond, as affecting the holder who had discounted it, and his solicitor offered to serve the grantor with a notice of action for the recovery of the debt; but he added, "Sir, just as your claim is, this man can apply to the court of Chancery for an injunction to restrain you from proceeding at law; and though he must ultimately be defeated with costs, whatever process he may institute, still my costs, that will ultimately fall upon you in the progress of this litigation, will probably amount to more than the 500*l.* at issue." Startled at this prospect, he accepted the 4,000*l.*, and put an end to the matter [hear]. Was it not, then, notorious that no man could enter the court of Chancery, to seek justice, without in the first place being a person of opulence? In another case, which also fell within his own knowledge, but without being individually a party in the suit, he had acted as one of the assignees of a bankrupt, and a defendant had converted a matter of business into a suit in Chancery; that suit had lasted for twenty-three years [hear, hear]. When he named the period of its duration, he meant not to cast any blame, in the particular instance, upon the lord chancellor; for he believed no judge would have been competent to have settled so voluminous a mass of accounts as were involved in the litigation of some West-Indian property. After seven years and a half a report was, however, made in the business; but this was excepted to, and he, as assignee, became perpetually harassed by the creditors of the estate, on account of the procrastination of the dividends they had a right to expect. After fifteen months of being placed in the form of a report at the top of the paper for a hearing, that report had been rejected by the lord chancellor; as he expected it would have been, from its insufficiency. Seeing that another report was to be framed, other exceptions probably taken, and still further delays in hearing such report suffered, and that he had little chance of surviving the protracted litigation; and happening accidentally to reside in Bath, for his health, he met there his hon. friend (Mr. Baring), the member for Taunton, who was a creditor upon the estate. They consulted what had better be done to relieve the parties from their existing difficulties, and his hon. friend sat himself down to unravel the accounts, and in three hours put into order that which the court of Chancery had failed to do in three-and twenty years [hear, hear], and assisted in terminating the litigation.—He would beg leave, having stated merely what had come within his own knowledge, to express his opinion as to the cause of these inconveniences. He suspected that there was something inherently wrong in the whole formation of the court of Chancery. The system, he was persuaded, was in itself erroneous. He qualified this opinion by admitting that he was not a competent judge; but, he had seen many of the proceedings of that court. Let any man who had ever read a bill in Chancery—(the bill in the case to which he had alluded was as bulky as the table at which the clerks were now sitting)—let any man who had ever read such a bill, say whether he could understand its import? It abounded in words; but they were words without corresponding ideas. The whole bill was couched in the language of two centuries ago. Ought this form to be continued? When he said that he spoke in ignorance of the technical rules, he nevertheless trusted that he was not unacquainted with the broad and leading principles of justice and equity. But, independent of common sense and justice, he objected to the system, on account of the enormous power which it vested in the hands of the lawyers. Perhaps, the House would recollect a facetious periodical work, called "The Covent-garden Journal," by Fielding, in which he said, "It is erroneous to think that the English government is only composed of three estates, those of King, Lords, and Commons, there is a fourth estate—the mob." It was true, as the facetious writer had put it, that the mob had considerable power at the time when he wrote; but, a great change had since taken place, and the mob were dispossessed of their power, and supplanted by the lawyers. The lawyers were legislators: they made new laws, and their dicta had the force of enactments. When his learned friend, in his useful, able, and eloquent speech, for which he deserved the thanks of every Englishman—had alluded to the genius of Napoleon, whose code of law would survive the memory of his conquests, and, he would add, his crimes, his learned friend had omitted to praise it for one of its most essentially useful qualities. That law, if not so purely administered as the English law, was at least more expeditiously afforded to the suitor, and twenty times cheaper [hear]. This forced upon their attention the comparative demerits of their own system. It was a case in which every individual in the land owed it to his country to state what he felt and knew upon the subject. When he said thus much, he repeated, that he meant not to disparage the lord chancellor. He knew that noble lord laboured harder in his office than any other judge: he believed he devoted much more of his time to business, and much less to pleasure, than any other man, but, nevertheless, he equally believed, that his whole system was bad, and required complete and entire revision, a revision which he did not expect from the commission which had the business in hand; for he knew that the members of it were unable to do what was essentially necessary for a beneficial change; namely, to turn the system itself upside down—for to that they must come, before they could accomplish the reformation which was called for.

Mr. *Ellice* said, he had listened with great attention to what had fallen from his honourable friends who had preceded him. He had himself been long aware of the grievances attending the system of carrying on business in the court of Chancery: and, bad as those cases were which had just been brought to light by his hon. friend near him, he believed they were comparatively trivial to those which could be brought forward by many individuals connected with the trade and industry of the country. He was also quite convinced with his hon. friend, that no good could arise from the labours of the commission appointed to inquire into the affairs of the court of Chancery. That commission was imperfectly constituted; besides having persons of legal knowledge, it ought to have been composed of men of business likewise. As to the case of the bankrupt assignee quoted by his hon. friend, he could assure them that it was not one of a solitary description; for such cases were, he feared, too common. Why did not the court of Chancery, in matters of account, adopt the practice of the civil court of which his hon. and learned friend near him (Dr. Lushington) was so distinguished an ornament? for there such matters were referred to the registrar, assisted by mercantile characters, who sat once and continuously until they made their report. If an improvement could be made in the administration of the affairs of the court of Chancery, it ought to be made quickly and efficiently; and he begged to direct their attention to one point of practice which he knew to be attended with very injurious consequences—he alluded to the investing money in Chancery. It was a hopeless task to manage the money of others when it became once deposited there. He had represented the grievance of such a case some time ago to one or two of his majesty's ministers, and the monstrous inconvenience and loss which it imposed upon the guardians of minors. He could more particularly speak of one case in which he was himself, for his own security, obliged to lodge the money of children, the eldest of whom was only eleven years of age, in the Accountant-general's office. There was the evil. The party lodging money in the court of Chancery, had no option: it must be invested in the three per cent stock, perhaps at 94 or 95: so that it was not impossible, before the eldest child became of age, in the intervention of a war, the stock would fall to 50. About thirty millions of property was sunk in that disadvantageous manner—an amount nearly equal to the whole floating capital of the country. Why not allow the suitors the benefit of investing the money so as to obtain a sort of exchequer-bill interest? He would, not, however, suggest the way in which it ought to be done; enough was it for him to have called the attention of his majesty's government to the evil, in the anxious hope of having some remedy applied to it; otherwise the property of minors must remain sadly exposed to fluctuation; as must be evident to all those who could recollect what had occurred during the American war. With respect to the difficulty of wading through a suit in the court of Chancery, he would mention, that in a case in which he was personally concerned, it had been required of him to make an affidavit for the satisfaction of the court. His affidavit was deemed inadmissible, and his succeeding attempts were equally abortive. His solicitor then tried, and after him his counsel, but their efforts were equally unavailing. At length, application was made to an eminent counsel, but he refused making the attempt. The point was of little importance; but, after the court had refused to admit five successive affidavits, it at last accepted and was satisfied with that which was first made. The property in dispute was about 1,500*l.*, and the expenses of litigation amounted to between 300*l.* and 400*l.* The time of the court ought not to be occupied by interlocutory matters, such business ought to be transacted elsewhere. The grievance of the Chancery court was now so severely felt, and was increasing so rapidly, with the multiplied business of the kingdom, that it would be a less evil to the people, if they were left to the common law entirely. Nor was it fair for the cabinet to throw the whole odium of the defects of that tribunal upon one man, by resisting a proper revision of its jurisdiction. Let the right hon. Secretary for the Home Department follow up the improvements which he had commenced in another branch of the administration of justice, and show that he had the disposition, if he had not the power, to redress the dreadful grievances of the court of Chancery.

The *Solicitor-General* said, that before he noticed the observations of his hon. and learned friend, respecting the constitution of the court of Chancery, he would advert a little to the five petitions upon which he had chiefly founded his speech. His hon. and learned friend had, properly enough, carefully abstained from vouching for the accuracy of the statements in those petitions; and, indeed, would have disparaged his understanding, had he done otherwise. He would devote a few remarks to each of these petitions. That of Mr. Palmer related to some alleged abuse of what was called "the Elephant and Castle charity," which was let for 600*l.* a-year, and had been brought into the vice-chancellor's court in the course of its administration. In the Elephant and Castle charity, the dean and chapter of Canterbury had formerly possessed the property, and they still held the right of visitation; being, in fact, according to the settlement at the Reformation, entitled to a resumption of the property. Their claim, however, could not so easily be brought into consideration; because, the affairs of the dean and chapter must undergo discussion in the Diocesan court in the first instance. The consequence was, that the cause was only ripe for judgment in January last. No man could labour in his multiplied vocations with more application than the present lord chancellor. But then this was not all. The convenience of counsel, as in every other court, was consulted in this; and many of the delays of hearing must be placed to the account of their accommodation. It was not very surprising that, under these complicated accidents and causes of delay, 50*l.* should have been laid out in the expenses of the hearing. The next petition was that of Mr. Honywood Yate, who, by his absurd and preposterous suggestions, would have the House to believe, that the late enlightened Mr. Ricardo had actually left 50,000*l.* upon some uncertain advent of litigation, as if that statesman-like person knew, that by the mere act of setting that sum apart, he could defend the estate which he had provided for his posterity against all claimants who might sue upon it in Chancery. The facts were just these:—At the time that Mr. Ricardo made the purchase of the Gloucestershire estate, the title was disputed by this Mr. H. Yate; and it was to defend the estate from that particular claim that Mr. Ricardo set apart the 50,000*l.* The third petition, from Mr. Gummow was more preposterous than the others. He was an annuitant upon the estate of the duke of Queensberry along with other creditors, whose united claims amounted to 400,000*l.* The duke of Buccleuch, obtained judgments in the Scotch courts against the estates for 100,000*l.*, the amount of fines improperly levied. In the common course of proceeding the creditors could have had no claim to a settlement, until the final decision of the appeals in that which was well known by the name of the Queensberry cause. An accidental rise in the funded portion of the property took place; and the lord chancellor, finding that he had it in his power to do something for the creditors, and yet leave enough to answer the suit of the duke of Buccleuch, and make compensation to the tenants, went out of his way to do them this service, and ordered a dividend of one half to be paid them. The next petition was from Mr. Gourlay, who was a madman. That was the real situation of Mr. Gourlay. He advised the hon. and learned mover to look well to his safety. In the course of last session, Mr. Gourlay had knocked down the member for Winchelsea for not presenting a petition. But, his zeal was very indiscriminate. It would not be surprising to hear of his treating the member for Lincoln with equally unsparing severity, for having presented a petition. He knew his learned friend's courage, but Mr. Gourlay was stronger and taller; though no doubt his animus might defend his learned friend, as the animus often decided the contest in favour of the smaller against the more powerful animal. The next petition was that of Mr. Hescott, who complained of his bill of 50*l.* If his bill were unreasonable, he might have it taxed. That person had refused to put in an answer in the court of Chancery; and for such contempt of the court he had incurred the expenses incidental to an attachment. What right had such a person to complain? This petitioner, he supposed, would wish to have a court of Chancery that could not put delinquents into prison. Mr. Gourlay would want a court of Chancery that would allow him to publish a folio volume for its consideration and decision; Mr. Honywood Yate would say, let me have a court of Chancery that would allow me to wait until the purchaser of an estate was dead, and make that the time for bringing forward my suit. Mr. Palmer would have a court of Chancery that would decide upon a crude, irregular, and informal petition, and if the decision upon a document containing only half of the case should turn out to be wrong, he would then complain of delays and of erroneous judgments. The commission of inquiry into the delay in the court of Chancery consisted of gentlemen of unquestionable talents, of great application to business, and of undoubted integrity. His hon. and learned friend would not assuredly say, that it had not been laborious, when he was informed that it had sat already seventy days and examined forty-five witnesses, combining the most material information. For his own part, he had wished that the report of that commission should be in two parts, but the majority of the commissioners, had preferred its being in its present form. In the attack of his hon. and learned friend upon the incapability of lawyers as to reformations in the jurisdictions, he must have overlooked the hon. and learned civilian near him (Dr. Lushington). He could never have expected, that the shot which he was firing, after percolating and flowing through his own benches, and hitting those on the opposite side, would rebound, or drive back a splinter which was to wound his friends nearest to him. His hon. and learned friend had intimated something of the plan of his attack on the court of Chancery, whenever his day should come, by the assertions which he had made of the usurpation effected by this court over the powers of the other jurisdictions. Now, he most positively denied what had been asserted, relative to the powers and jurisdiction of the court of Chancery being assumed or usurped. The court of Chancery claimed no power, authority or jurisdiction whatever that could, in any sense of the word, be said to be usurped. Nothing of the sort had ever been charged against the court, since the celebrated dispute between lord chief justice Coke, and the lord chancellor Ellesmere. There the chief justice had disputed the power of the chancellor to interfere with the verdict of a jury. That dispute had taken place two hundred years ago, and since that day there had existed no contest or dispute whatever between the equity courts and the courts of Westminster Hall. His learned friend had questioned the propriety of the present division, or distinction made between law and equity, and seemed to talk of it as a thing without precedent. Surely his learned friend must forget that the same division existed in the republic of Rome in the brightest periods of its history. Was it not the duty of the Prætorian court to correct the proceedings of the Common law courts of the republic? In other terms, were not the judgments of the Prætorian court similar to the judgments of the court of Chancery in Great Britain? Did not his learned friend know, that the court of Sessions in Scotland was notoriously a court of equity as well as a court of law? It possessed a power, and exercised functions analogous to the powers and functions belonging to the court of Chancery in England. If his learned friend would consult the page of history, he would find many institutions amongst the ancients, formed upon the principle of distinguishing between law and equity, and many of them were evidently analogous to the equity courts of this country. It was impossible for his hon. and learned friend to say whether the labours of the commission were or were not adequate to the object for which it had been appointed, until the report was made. It would then be time for him to say, whether what they had done had been well or ill done, and whether it was commensurate with the whole subject of inquiry. He did not wish to intimate any thing disrespectful to his hon. and learned friend, but he must say, that sufficient unto the day was the evil thereof. His hon. and learned friend threatened them with another day. He (the Solicitor-general), however, trusted that he had got rid of that day of wrath. With respect to the five petitions, he pledged himself to prove, to the satisfaction of the House, that five more unfair, false, fabricated, fallacious, and deceptive petitions had never been laid on the table of the House.

Dr. *Lushington* said, he wished to add some reasons to those advanced by the Solicitor-general, to justify the delay of the report of the commissioners. The House would recollect, that they were almost all men engaged in the duties of judicial situations, or the practice of their various courts. Few were the days which any of them had free from their avocations, and fewer those upon which they could collect a full meeting. Another circumstance had tended to delay the report of the commissioners. Scarcely had they commenced their labours, when the vice-chancellor was taken ill; and many months elapsed before he was able to return to the performance of his judicial duties, or attend at the sittings of the commission. As a member of that commission, he (Dr. L.) declared his conviction, that it was the anxious desire of all the commissioners to fulfil their duties with as much expedition as the nature of their own avocations, and the difficulty of the undertaking in which they were engaged, admitted. He was anxious, however, that the House should not expect from the commission more than it could possibly effect. The commissioners were invested with certain limited powers: but, the objects of the inquiry, and the nature and tenor of their commission, would not enable them to take into their consideration many important subjects which had been touched upon by his hon. and learned friend. They had no power to inquire whether the present system of jurisdiction which prevailed in the court of Chancery was right or wrong [hear, hear!]. Their inquiry was confined to an examination of the practice which had hitherto prevailed in the court of Chancery. The object of inquiry was, not the law which governed the decisions of the court, but the practice which prevailed in the court, from the commencement of a suit until it was brought to a final hearing. Their investigations could never, by possibility, produce any of the extraordinary effects which some persons expected from them. Another object of the inquiry was, to ascertain, whether any branches of the present jurisdiction of the court might be advantageously taken away, and attached to other courts. If this commission had been appointed for the purpose of reforming the whole system prevailing in the court of Chancery, he, for one, should have hesitated before he undertook a task for which he should have considered himself altogether unfit. In making this observation, he did not mean to say that it might not become necessary to inquire into the system on which the court of Chancery proceeded; but, he did mean to say, that this commission could not, and would not, do it. Narrow, however, as the limits to which the commission was confined might appear to that House, they would be found exceedingly extensive, when they came to be considered in all the minutiæ of detail. Every branch of practice, from the first process down to the registering of the decree, had been minutely inquired into, and a vast number of witnesses had been examined.—Having said thus much with respect to the commission, he would add a word or two on what had fallen from his hon. and learned friend, as to what he considered as likely to be beneficial alterations of the present system. His hon. and learned friend had stated that, by the practice of the court of Chancery, it was not possible, in a case where personal property to any amount was involved, to order a trial by jury, in order to ascertain whether the party bequeathing it by will were of sound mind. In the case of real property, if it amounted only to 20*l.*, an issue could be directed; but this could not be done, if the property were personal, to whatever amount it might extend. He believed that he had had as much experience as any individual in that House with respect to the disposition of personal property by will, and he must say, as an honest man, though it was directly contrary to his own interest to make the avowal, that it would be a benefit to the country at large, if the power were vested in the court of Chancery, of the want of which his hon. and learned friend complained. Such a power would, in many cases, tend to lessen expense, and expedite legal proceedings.—His hon. and learned friend had stated, that very considerable abuses existed with respect to the transfer of real property, and he entirely agreed with him. He could not conceive it possible that the present system could be defended on any rational grounds. In one case he knew, of his own knowledge, that the mere abstract of a title had filled 800 brief sheets. It was drawn by as honest a solicitor as was to be found in the city of London; who nevertheless found it impossible, with a due regard to the safety of his client, to compress it into a less space. He really thought the attention of those members who were called country gentlemen, ought to be called to this state of things. They could scarcely conceive the extent of the taxes which were imposed on the sale and other conveyances of real property. The taxes were not merely enormous in the shape of stamps imposed upon conveyances, but the intricacies introduced into title-deeds, subjected the parties to long, painful, and sometimes ruinous litigation. It was impossible, that with common honesty, reasonable diligence, and ordinary understanding, the great and radical defects of the present system might not be altered and amended. He saw no reason why these abuses should continue to exist, or why a remedy should not be applied to them. He attributed no blame to any one, that no attempt had hitherto been made to correct these abuses. He trusted that, since his hon. and learned friend had brought this subject before the House, effectual means would be taken to ameliorate and introduce a judicious reform into the existing system. Of such a reform the right hon. Secretary for the Home Department had already set a splendid example, in the enlightened principles which had been adopted by the government of the country—principles which, a few years ago, would have been denounced as chimerical and jacobinical, but which he had carried into secure and advantageous effect. He entreated the right hon. gentleman to proceed boldly in his career. It had been well observed by lord Bacon, that "time was the greatest of all innovators," and, as that system of policy which prevailed when our commerce was only a twentieth part of what it was at present, and the personal property of the country was not a five hundredth part of its present amount, was ill suited to the present times, so he was convinced, that the intricacies in which the system of conveyancing was involved might be simplified. It would be necessary to proceed with the utmost caution, and not to attempt to pull down until they were prepared to build up; but, this at least might be safely admitted by every man of sound understanding, that to that which was equally bad, both in theory and practice, it was high time to apply a remedy. To carry into effect this great task, persons of the highest qualifications should be selected from all the departments of life; so that there might be a combination of all the legal talents of the lawyer, all the extensive views of the statesman, and all the practical acquirements of the merchant. By these means the united talents of the country might produce a system of law which might enable the subjects of Great Britain to obtain justice, which they could not under the existing system obtain, cheaply, easily, and effectually. He would not enter at present into any disquisition on the existing system, still less into any examination of the faults of those who presided in courts of justice. His object was, as a member of the commission, to find where the grievance pressed, and to endeavour to find a remedy for it, and not to impute blame where it was not deserved.

Mr. *M. A. Taylor* said, he had, many years ago, endeavoured to awaken the attention of parliament to the existence of great and alarming evils in the system of the court of Chancery, and of the appellate jurisdiction in the House of Lords. It was now long since he had first attempted to prove that those evils and defects amounted to a denial, and indeed a complete subversion, of justice. If hon. gentlemen were disposed to look at the reports of the committee appointed to inquire into those evils, and of which committee he was chairman, they would find it stated that so rapidly were causes accumulating at that time in the jurisdiction in question, that it was judged they could not be disposed of in less than five-and-twenty years. At that time, however, he found it difficult to convince people of the enormous injury that resulted to individuals from the consequent delays in causes and appeals. Of the eminent individual who presided both in the House of Lords and in the court of Equity, he had never uttered a single word but in the spirit of perfect good feeling and respect for his distinguished probity and talents; but he had an objection, on the noble and learned lord's account, to offer to the commission that had been appointed. To him it appeared, that the public had been seriously wronged and aggrieved by the proceedings of the court of Chancery.

With regard to the appellate jurisdiction, he had proposed, some years ago, to provide assistance in the House of Lords, either by an additional number of lords for the determination of appeals, or by the appointment of an additional judge in that jurisdiction. And, what was the consequence? Why, that after a twelve years' hard struggle, lord Gifford had been at last appointed to preside with the lord chancellor at the hearing of appeals: and the effect of this arrangement had been, that the lords had reduced the number of appeals in an astonishing degree. Why should not an arrangement of a similar nature be adopted in the equity jurisdiction? Last year, he did not move the question in respect of these delays in Chancery; but, had he been present on that occasion, he, for one, would not have consented to such a commission as was then named. For, who was nominated at the head of it? The very individual of whom it was complained that his conduct tended to encourage those delays. Had he been gifted, or cursed, with the utmost power of flattery, he could not have told that noble and learned friend of his, that he considered him a fit person to be put at the head of such a commission. If his noble friend could only follow the dictates of his own judgment, which was always sound and excellent when he did pronounce it, and which he never seemed to have reason to change, when he could be persuaded to hazard it, the delays of Chancery would be much less. The fact was, that, as it existed at present, this Chancery jurisdiction was perfectly detested throughout the country; and, in an age like this, such cumbrous forms of proceeding could not much longer be endured. He would mention a case or two that illustrated the evils of the present system. There was a case recently adjudged. It was what was called an amicable suit; but, amicable though it was, it was not determined under thirty-three years. Then, again, as to the expenses of suits in that court, attributable in the main to the same protracted delays, they were perfectly enormous. It was admitted by the most experienced practitioners in that court, that under some circumstances, to recover a property of 3,000*l.* out of Chancery, would not cost less than 1,500*l.* or one half. What was such monstrous injustice as this owing to? To the immoderate amount of fees accruing and accumulating upon such long delays. Now, having noticed what he thought to be a capital defect in the commission, he would say, that there never would be any reform of the court of Chancery, until the House should come to a vote, as to the absolute necessity of instituting an investigation of such a kind as should sift the whole history of the system of Chancery proceedings to the very bottom. To no other, and to no less a resolution, would he give his support. What could furnish a stronger instance of the shameful delays of the court of Chancery than Mr. Palmer's case, where a petition in a case of charity was delayed three years?

The *Solicitor-General* observed, that it had only been before the court for two years.

Mr. *M. A. Taylor:*—Well, for two years! And, did the learned gentleman consider that no grievance? The Fleet and other prisons of the metropolis, which he had visited, contained numerous victims, without clothes, and in a state of despair, who would not have been in those melancholy abodes, but for the injuries they had suffered through the court of Chancery. Perhaps the House were already aware of that affecting case of the two widow ladies, sisters, who were interested in a property, the proceedings about which, being in Chancery, the attorney managed to hang them up there until, after a long lapse of time, a writ of error was obtained against him. Pending the proceedings, one of the ladies died at the age of 81, nine years after she became invested with the right to a beneficial interest in that property. Her sister, too, survived her only by about half a year. Last summer, when looking over a list of Chancery cases, he actually found some that were depending as long ago as when he himself was at the bar. If the commission which had been appointed did not speedily report, he pledged himself to come down to the House and demand a parliamentary inquiry into the whole details of this question. With respect to the inefficiency of the commission, and the causes assigned for the long delay of its report, he would only say, that if some of the members were incapacitated from attending it properly by reason of professional or any other engagements, they ought never to have been put upon it. Until this inquiry was granted, and the abuses remedied, he hoped the subject would never be allowed to rest. In his view of the matter, the court of Chancery was the greatest evil and the greatest curse the country had to bear.

Mr. Secretary *Peel* said, that after the very able manner in which this subject had been discussed, he would not have said a word upon the question but for the direct allusions which had been made to him in the course of the debate. In one part of the learned opener's speech he had directly adverted to him, as if he wished to impede or defeat the objects of an inquiry into the delays of Chancery. The learned gentleman had said, that the appointment of the commission, was a mere parliamentary manœuvre to stifle effective inquiry. This he positively denied. He wished for full and effective inquiry. He denied that any inference could be drawn unfavourable to full inquiry, from the nature of the commission. It was only on the preceding night that he had heard the commission which had been appointed to inquire into the Scotch judicature praised very highly. No commission ever gave greater satisfaction, it was said. But that commission was composed of lawyers, whom the learned gentleman thinks unfit to conduct such inquiries; and moreover, six members of that commission were judges of the court to be reformed. He certainly held the conscience of a lawyer in higher estimation than the learned gentleman who was so well qualified to judge of it, and he thought an honourable minded man was better qualified for being a member of such a commission because he was a lawyer. It had been stated in the course of the debate, that a master in Chancery ought not to investigate accounts, because he was not an accountant; and yet it was stated in the same debate, that a lawyer was not fit to inquire into abuses in courts of law, because he was a lawyer. But, what possible object could he be supposed to have, if not a full and candid examination of this subject? He would fairly own, that he had hoped ere this, that the report of the commissioners appointed last session would have been made. He thought, too, that it would have been much better if they had determined to report in the first place on some isolated and specific branch of their inquiries, instead of waiting to prepare their general report upon the whole of the topics embraced by the commission; because it was quite evident, that any such general report on the court of Chancery must of necessity be postponed for a considerable time. But, when he considered that these commissioners had already sat seventy days; had examined forty-five witnesses; and had adopted the excellent rule of rejecting no witness who came forward voluntarily to tender his evidence, or to furnish information; and when he reflected that they had their own various avocations also to attend to, and knew that it was their intention to publish the whole of the evidence taken before them, and not merely their general report upon it, he could not charge them with unnecessary delay. He would again ask, what possible object could he have in view but a full and perfect examination? What were the names which he found in this commission? There was the learned lord at the head of his majesty's law officers: could any thing like a toleration of unfairness or disingenuousness be dreaded from him? But, if the guarantee of his noble friend's integrity were insufficient to ensure the public confidence in this commission, would it not be confirmed by the names of the rest of his colleagues? Was there not the hon. and learned civilian (Dr. Lushington), whose speech of that evening had attested the manly independence of a mind that would not suffer any thing like evasion, or a want of faith, in any such inquiry as that which was the object of the commission. The language of his (Mr. Peel's) reference had, however, been complained of as going to justify the suspicions of the hon. and learned gentleman. But, he must contend, that at the very least they were as comprehensive as those of the learned gentleman's reference, which latter was in these terms—"Inquiry into the delays and expenses of the court of Chancery, and the causes thereof." The object of the commission of last session was thus stated, "Inquiry into the forms and process of a suit, from its first institution to its close." Why, these terms surely opened every detail connected with the system of Chancery proceedings, and the Chancery court. Was this all, however? By no means; for the reference would be thus—"and whether any part of the present jurisdiction of the court can be removed." Now, with respect to what had been said about the present defective state of the law as to the transfer of real property, if he had referred any such extensive subject to that commission to report on, besides its more immediate inquiries, would he not have rendered himself liable to the charge of purposely doing so, with the view of withdrawing and diverting the commission's attention from the great objects of its labours? He wished not to be misunderstood. If the laws relating to the transfer of real property were, as the learned gentleman stated, they ought to be amended. With the great wealth of this country making the transfers of real property very frequent, it was a disgrace that our laws on this subject should be in so defective a condition. To reforms of this description no man was more a friend than himself; but, if he had proposed to add this to the commission, as an object for its inquiries, would he not have been liable, and justly liable, to the imputation of wishing to clog the inquiries into the court of Chancery?—The learned gentleman had quoted Hudibras, to show the inveterate evils of the court of Chancery; but, if they had previously lasted one hundred and fifty years, it was not surprising that a commission had not made more progress in remedying them in thirteen months.—Before he sat down, he wished to refer to a motion, of which notice had been given by an hon. baronet (sir M. W. Ridley), for a commission to inquire into the best means of consolidating the laws. It was his own intention to persevere in his attempts to consolidate and amend our laws. He had, at the commencement of his labours, done that which appeared most urgent; namely, repealed all the laws inflicting the punishment of death, where it appeared not necessary. He thought the learned gentleman undervalued his labours; for, he believed he had repealed nearly one hundred statutes —certainly, more than eighty. He had given his best consideration to the subject, and he doubted whether the commission proposed by the hon. baronet would be the best means of accomplishing his object. He rather thought it would be better that parts of our criminal code should be taken up by individuals acquainted with the subject, and disposed to devote themselves to it; and who would digest the reform necessary to be introduced. If a commission were appointed, he was afraid of the difference of opinion which might ensue; and he thought, therefore, it would be better to leave the matter to well qualified individuals. He would quote, as examples of what he thought might be done, the laws of larceny and the laws relating to forgery, which he thought might be taken up by individuals, and consolidated. If the criminal law were proceeded with in this gradual way, he thought the whole of the laws relating to different subjects might be consolidated, and that our penal legislation might be consolidated into a complete code, worthy of this great and enlightened nation. He did not mean by this to do any thing more than throw out a suggestion to the hon. baronet, as to the propriety of postponing his motion. If he brought it forward, he should be ready to state his opinion more at length. He was convinced that great reforms might be made, and he was only anxious that the most effectual mode might be adopted.

Mr. *Hume* begged to refer to a passage from Mr. Miller's book on the abuses of Chancery. That author stated, that it was in vain to hope for any reform or improvement in the system, so long as the power and patronage of a vast number of offices, such as the six clerks, masters, cursitors, &c. remained in the hands of the lord chancellor, who thus disposed of numerous posts, some of them mere sinecures, the united salaries of which amounted to not less than between 200,000*l.* and 300,000*l.* a-year.

Sir *M. W. Ridley* professed his willingness to attend to the suggestion of the right hon. gentleman, and would certainly not bring forward his motion. He was thoroughly persuaded, however, of the necessity of reforming our penal code; and he should reserve to himself the power of bringing forward the measure, if he should see that no progress was made in consolidating our penal statutes.

Mr. *Hobhouse* rose only to say, that, judging by the bill which the right hon. Secretary had brought into the House, the measure of reforming our criminal code could not be in better hands. The country would long be grateful to him for the Jury bill, and if he carried his benevolent designs into execution, he would add to the high character he already enjoyed throughout the kingdom. On the subject of the debate before the House, he wished only to ask, and the right hon. Secretary, or his hon. and learned friend below, might inform him, what had been done with regard to those informations which had been filed in consequence of the inquiries of the commissioners into the abuses of charities? He should like also to know what progress had been made by these commissioners.

Mr. *Brougham* said, he should be very happy to answer his hon. friend to the best of his power; but his information on these subjects stopped short at a certain point, or line of demarcation, which separated, as it were, light from darkness. As to the proceedings against the trustees in Chancery, beyond the institution of them he knew nothing—neither did any body else. As to the commissioners for inquiring into the abuses of public charities, they had published many reports which contained much valuable matter. Those reports were contained in some twelve or thirteen rather unsightly and decidedly bulky folios. The commissioners, he must say, had done very considerable service. They had inquired into a great many charities; and, he might be permitted to add, that those charities which demanded inquiry were far more numerous than would at first sight be imagined. The task was more difficult, more extensive, and more operose, than, on a superficial view of the case, might be supposed. Owing to the reluctance of individuals to come forward, to the remote period at which many of those charities were founded, and to various other difficulties which the commissioners had to encounter, those reports were delayed longer than had been expected. The information obtained by them was, however, of infinite value, and exceedingly curious. No person who wished to obtain a knowledge of the charitable foundations, lay and ecclesiastical, which were established in former times, could consult more satisfactory authority than the information which had been brought into one body by those commissioners. Where matters of a various and extensive nature were to be examined into, for the purpose of pointing out what ought to be done, in order to check some specific grievance, such an inquiry was, he conceived, best carried on by a commission. But, where the business to be disposed of appeared in the form of a series of statutes, which it was intended to consolidate, or where it was meant to act on the information obtained by a commission, in those cases he thought the work would be better performed by the hands of an individual. The unimpeded labour of an individual —(and it should be remembered, that a man always worked more pleasantly and agreeably if left to take his own course)— would do more towards a digest of the statutes than the unequal efforts of a number of persons. As to the application of this principle to those voluminous reports which he had alluded to, he thought it would be attended with most beneficial effects, if some laborious individual would apply himself to the task of extracting from them every thing that was valuable—of condensing and bringing into a moderate compass all they contained that appeared to be curious or useful. He was sure that such a project would, in every way, be well worthy of any labour that might be bestowed on it. Even the love of gain, if there were no other stimulus to an exertion of this nature, would be amply gratified by the project. The information contained in those reports, which was extremely interesting, was at present almost entirely lost to the public; and he was perfectly convinced, that much good might be effected by disseminating that information. Independent of those reports which emanated from the commission, it had been his province to bring into parliament certain measures connected with their labours, after the commission had sat for some time. When they had exercised their functions for two years, he saw his way far enough to perceive that it would be necessary to introduce two bills founded on the discoveries they had made. Against one of those bills he saw that a decided opposition prevailed. On sounding different individuals, he discovered that it would not be in his power to carry both the Education bill and the Charitable Uses bill, and he came to the determination not to press either. He took that course, because he was afraid of doing mischief. He a second time expounded, and at great length, the principles on which those measures proceeded, in the hope that he should have been able to abate the hostility which was manifested towards them. He was afterwards attacked for sloth and laziness, because it was said that he did not push this subject forward. A more unfounded accusation never was made. He was, at the time, about to retire from parliament, on account of her late majesty having expressed her desire that he should conduct her cause in the House of Lords; as it was held that it was not proper for a member of the House of Commons to appear as her majesty's leading counsel. But, though he then laboured under indisposition; though he was oppressed with a variety of business; and though, above all, he had to attend to the complicated intricacies of the late Queen's case, yet, so little was he obnoxious to the charge of forgetting his duty, that he had developed the subject at the time in a very extensive way, much to his own personal inconvenience. He carried the two bills which he had introduced to a certain point; and he then found that parties whose scruples he respected, and whose independent principles he admired—he meant the Dissenters—chose to oppose with all their strength one of those bills. He then saw there was so little chance of making any efficient progress with these measures, that he deemed it prudent to abandon them for the present, in the hope that time and reflection, and the recollection that the individual who introduced them was a zealous friend to civil and religious liberty, would induce the opponents of the bills at least to meet him half way, and to state what they were willing to do. He thought they should support the Charitable Uses bill; and he hoped the time was not far off when he should be enabled to carry that important measure. He thought the present was a favourable opportunity for carrying those measures, or measures of a similar nature; but he should be afraid to hurry the commissioners in the performance of their duties, because any precipitate step might be attended with irreparable mischief. He did not know their precise object, but he felt that any premature proceeding at present might be attended with evils which he should deeply and sensibly regret. He knew perfectly well, that, in the way of prevention, the labours of those commissioners had produced every where the most important effects. Many persons, not knowing when the inspection of the commissioners was likely to take place—not knowing at what hour the commissioners might arrive—yes, persons who had abused charities, being placed in this state of uncertainty, found it necessary to set their House in order: not knowing when the inquiry might approach their doors, they felt themselves obliged to prepare for it at all hazards. Over and over again he had received letters of thanks from individuals, who had fairly given their names, admitting that abuses had existed in different charities, but that in consequence of the appointment of the commission, those abuses either were removed, or were about to be removed. Others, wrote anonymously—for conscience sake, he supposed, stating generally what they had themselves done, but complaining that their neighbour, belonging to such a charity, had not taken the same course, and hoping that the efforts of the commissioners would be directed to that quarter. Frequently it had been notified, that if the commissioners appeared within a reasonable time, they would find such and such abuses in existence. It thus appeared, that where abuses were not actually examined into, the guilty parties, from very dread, had set about rectifying them. He wished that some person would take a portion of these voluminous reports—suppose it related to the charities about Exeter, or any other given place or places—and publish it. If, instead of thousands of pages, some few pages were devoted to one place, the like number to another, and so on, and a copy sent to the principal clergyman of a county, and to the acting magistrates, the statement would soon get into the country papers, and the nature and extent of each charity would become generally known. It would then appear that charities established on a particular foundation existed in those places, and the abuse of them would be effectually prevented. This would form the most effectual registration of those charities. Instead of paying a shilling for making an inquiry at an office, an individual need only proceed to the next newsvender's or bookseller's shop, where for sixpence he might procure a brief history of the foundation, and regulations of all the charitable institutions in a county. This was all the information he had on the subject; and he hoped it would give satisfaction to his hon. friend, the member for Westminster. There was, in these reports, information as to the number of charities in each county, distinguishing those whose endowments were above ten pounds, from those the endowments of which were below that sum. This was rather a long answer but it would soon be over. Fortunately, unlike the proceedings in Chancery, there was some hope that it would be terminated at one time or other [a laugh].—He now came to the subject immediately before the House, which, as compared with that he had just touched upon, was like plunging from light to darkness. He alluded to the practice of the court of Chancery. He never thought of that court without recollecting the words of the poet—"Let those who enter leave all hope behind;" that was Chancery [a laugh], and he certainly did not wish to enter there if he could avoid it. In consequence of the discoveries made by the inquiries of the commissioners appointed to investigate the state of public charities throughout the country, thirty-seven informations had been filed in Chancery against different parties. He believed answers had been put in to some of them. One of those cases had been reported so long back as 1820: but what had become of the great body of them, he was at a loss to know. Not one of them, so far as he was aware, had been brought forward. [The Solicitor-general said, "Many of them had been heard."] He was very glad to hear it. But he knew of some of them, which had been introduced in 1820, and of which he had heard nothing since. If, however, they had been thus delayed, they were only taking pot-luck with the rest of the cases in that court [a laugh]. Having now answered the questions of his hon. friend as far as he could, he should conclude by saying a word or two with respect to the commission that had been appointed to inquire into the practice of the court of Chancery. He did not expect, he confessed, any gratification from the partial report of that commission, of which report the learned Solicitor-general had, he believed, given the exact description it would deserve, when he said he expected that it would be very unsatisfactory to all parties. The learned gentleman would laugh at him, would despise him, if he pretended to think that that commission was calculated to do any good. The powers of countenance possessed by the learned gentleman were very great, as were those of every gentleman who practised in Chancery; but he was quite convinced that the learned gentleman would find it impossible to retain the gravity of his features if he (Mr. Brougham) declared that he expected the Chancery commission to effect much benefit. It was wrested from government by the force of public opinion, and by the expression of sentiment which has been heard within those walls; but the objects which those who called for it had in view were entirely frustrated. The learned Solicitor-general, in speaking of the Catholic relief bill, had said, speaking of one of its provisions—"Oh, this clause with respect to the correspondence of the Catholic clergy with the see of Rome, is intended as a check on the Pope. But who is to make the necessary inquiries? Why, the dependants of the Pope. This is just as absurd, as if a charge had been advanced against the chancellor of the Exchequer,"—(by the way, it was strange that the learned gentleman should have stumbled on a chancellor)—"his conduct being impeached, he were to request that a commission should be appointed, under the great seal, or under the seal of the Exchequer more properly, to look into his proceedings, that commission to consist of the Secretary for the Home Department, the Secretary for the Foreign Department, and so forth, those individuals being his colleagues in office. What would be thought of the chancellor of the Exchequer if he acted thus?" His answer to this would be, that such a proceeding would be very absurd, and very unsatisfactory: that it would be a monstrous proposition—a very mockery. But certainly not so monstrous a proceeding, not so gross a mockery, as if they put the chancellor of the Exchequer himself at the head of the commission. And yet the commission he was now speaking of was exactly of that sort [hear]. That commission was appointed to inquire into the practice of the court of Chancery, and the abuses thereof, and whether those abuses were owing to the system itself, or to the conduct of the individual at the head of the court. And, who was selected to superintend that commission? Who was called on to control those abuses, and to carry into effect the wishes of the legislature? Why, John, earl of Eldon, who presided in the court of Chancery [hear]. No man, he was sure, could point out those abuses better than that noble and learned lord, if he would speak. But, he had not spoken on this subject for a whole year; and he never expected that the noble and learned lord would speak. To say that he was surprised at this commission not having done any thing, would be a ludicrous assertion—to declare that he was disappointed at their efforts, would be a laughable assertion, too ludicrous for the gravity of the subject. He expected nothing from the first; and he had just got what he expected [a laugh]. A good deal had been said about the commission appointed to inquire into the Scotch courts. That, however, was a very different thing. There they had the assistance of persons who came from another country, and who were free from any of those prejudices which might stand in the way of improvement; and, above all, they had the benefit of the advice and assistance of lord chancellor Eldon [hear]. However he might disapprove of that noble and learned lord as the superintendant and censor of his own conduct in his own court, he really must say, that he knew no better or fitter man than he was, to act as an inquisitor into the practice of any other court. He was anxious to do justice to his talents, to the acuteness of his understanding, and to the subtlety of his mind: and, admitting these, he declared that if he belonged to any other court save the court of Chancery, in England, Scotland, or Ireland, he knew no individual whom he should so little wish to investigate the profitable abuses of that court, as the noble and learned lord. He would be a most rigid investigator—a most zealous inquisitor into the errors of any other court but his own. To other courts he would deal out the most even-handed justice; but the noble and learned lord certainly was not the person whom he would select to place at the head of a commission for inquiring into the practice of his own court. [hear]. He only knew of one instance where an individual was found just and bold enough to accuse and condemn himself; and he suspected, as that individual happened to be a pope, that the noble and learned lord would, from a religious scruple, decline following his example. The pope to whom he alluded had adjudged himself to be burned. He accused himself with having committed various crimes—such as the pronouncing false judgments, delays of justice, extortion &c.; and he held himself to be in a state of mortal sin. He exclaimed "Judico me cremari;" and what followed? "Et judicatus fuit—et crematus fuit—et sanctus fuit." [Laughter.] He feared, however, that the noble and learned lord would stick to the estate for life, and that he would not give either to his country or to his soul, the benefit of his abdication. He undoubtedly considered the noble and learned lord to be the last man who should have been appointed on such a commission.

Mr. *J. Williams* said a very few words in reply. He again referred to the authority of Mr. Justice Blackstone, to prove that the ancient law-writers did not allow that extent of authority to the court of Chancery which was now contended for. He objected strongly to the two jurisdictions possessed by the court of Chancery; and concluded by observing, that if he had thought proper he could have brought forward much stronger cases than even those which he had laid before the House that evening.

The petitions were ordered to be printed.

COTTON MILLS REGULATION BILL.] The House went into a committee on this bill.

Mr. *Hobhouse* said, that at the suggestion of others he had been induced to alter a little his original purpose. It was his intention to reduce the hours in the day which children were compelled to work in cotton mills. When he found that no workman in any robust employment, nor even those persons who having incurred the penalties of the law were sentenced to hard labour, were compelled to work for so many hours, it grieved him to find that any opposition should be given to a proposition, that children should not be forced to work in cotton mills for more than eleven hours out of the twenty-four. Within the last few days he had inquired the number of hours that men worked at other trades, and he found the following to be the fact:—The machine-makers, the moulders of the machinery, house-carpenters, cabinet-makers, stone-masons, bricklayers, blacksmiths, mill-wrights, &c., worked no more than ten hours and a half per day; and some of them, in winter, only eight and a half. There was one circumstance which distinguished cotton-manufacturers from all others; namely, the high state of the temperature, and the variations of heat and cold. An objection had been thrown out, that in cases of this description it was ridiculous to legislate. It had been said, "Will you not let the mothers regulate their children?" He remembered, when he was at school, having read a similar argument against the abolition of the slave trade; but, did not the House legislate in that case. What he should propose was, that the children should work for five days in the week, twelve hours a day; and how could any man have the face to ask for an extension? On the Saturday, he should propose to take off three hours, in order that they might prepare for the repose of Sunday. He could assure the House, that masters who employed among them 15,000 operatives, were as anxious for these amendments to be made as he was. Sir Robert Peel's bill had been found not adequate to its purpose, and therefore another was required.

Mr. *J. Smith* said, he was sorry that his hon. friend felt it necessary to make an alteration as to the time. He believed that the custom of making children work for so many hours was prejudicial to the interest of their masters. In Mr. Owen's manufactory, the hours of employment had been decreased from 11½ hours, to 10½; and he knew, that as much work was done in the latter, as had previously been done in the former number of hours. He believed the state of the flax-mills called quite as much for investigation, as that of the cotton.

Mr. *Huskisson* said, he would not give up one point of his opinion as to the impolicy of attempting to regulate free labour; but, as parliament had thought it right to interfere with respect to the cotton-mills, certainly the more fully the provisions of a former bill were carried into operation the better. For this reason, he agreed in the propriety of enabling magistrates to compel the attendance of witnesses, where that law was supposed to have been violated; but he by no means believed, that the children generally in cotton-mills worked fourteen hours a-day. He was glad of the alteration that had been introduced as to the hours; for the committee that had investigated the question had recommended twelve hours; and although, perhaps, other children might not have to labour so many hours, yet the intensity of their labour made it as fatiguing. Take, for instance, the children that laboured in agriculture. He had no doubt that, if they investigated every species of labour, they would find much that they could wish to alter; but, what would become of those children if they were not so employed, and what would they do for the food, clothes, and comforts that they were at present receiving? Any alteration that should induce the masters to withdraw those comforts, would be only an aggravation instead of a relief to the children.

Mr. *W. Smith* said, that as to the sad condition of the children in these cotton-mills, it was enough to see them once to be convinced of it. The House had already evidence upon that point, which it was impossible to doubt. The necessity of this excess of labour he denied. The people at the Lanark-mills worked only 10½ hours a day; and those mills paid sufficiently, and gave employ to 3,500 persons. The House had heard much of the condition of the slaves in the West Indies. No one could reprobate the system of slavery more than he did; but the labour performed by the negroes in the West Indies was actually less than was exacted from these poor children at Manchester, and was far less detrimental to health.

Mr. Secretary *Peel* was of opinion that the most valuable part of the present bill was the power which it gave to magistrates to enforce the provisions of the existing one. He should not oppose the clause limiting the labour; but he should have been better pleased to have had no alteration made at all as to the labour, without a commission first appointed to investigate the facts.

Mr. *Tulk* thought the existing system one of atrocious cruelty, and would move, as an amendment, a return to the hon. member for Westminster's original proposition, eleven hours and a half for the daily labour instead of twelve.

Sir *F. Burdett* expressed his apprehension that with that clause, the bill might be lost, perhaps, altogether.

Mr. *Philips* believed, that the effect of reducing the hours of labour for the children would be to throw them out of employ altogether. The present complaints were got up by a most formidable combination, which called itself "The Grand Union of Operative Spinners." There were several unions formed for the purpose of raising funds to be used against their employers. An hon. friend of his said, "So they ought" [hear, hear]. He was not to be put down by "hear, hear." He was personally acquainted with the effects of those unions, and if his hon. friend knew them as well as he did, he would oppose them. He did not object to the limitation of hours in the day, if he could be convinced that it was called for by circumstances; but those circumstances had not been made out.

Mr. *Gordon* thought, that the children should be defended, not more against the severity of their masters, than the avarice of their parents. The children were not free agents, and required the protection of the legislature as much as the slaves of the West-Indies, for whom regulations had been made, not only as to what work they should do, but what allowance of food they should receive. The fears of those who were alarmed lest the cotton trade should be destroyed by these regulations, ought not to weigh against the common rights of humanity. The hon. member for Westminster had done every thing to conciliate all parties. It should be recollected, that the children were now required to work twelve clear hours in the day.

Mr. *Huskisson* wished to know whether Mr. Tulk would withdraw his amendment; for, after what was said as to the risk which it would occasion to the bill, no good could be answered by persevering in it. As to his own opinion, he would say that he had supported the bill, on his own view of it, and without any communication with any of the parties connected with either side of the question.

The amendment of Mr. Tulk was then withdrawn, and the bill went through the committee.

HOUSE OF LORDS.

Thursday, June 2.

BURIALS IN IRELAND BILL.] The Earl of *Radnor*, after the clerk had read the act of last session which makes provision for burials in Ireland, addressed the House in support of a bill for repealing that act. The noble lord said, that his objection to this act was founded altogether on a religious question. He then entered into a history of the introduction of the bill on which the act is founded, and of the transactions in Ireland which gave occasion to its introduction. The act which he now proposed to repeal was a protection for all sorts of heresies. The language of it was inaccurate. Referring to the act of king William, it was enacted, that the same "shall stand and be repealed." The act seemed intended to enable every sect to disturb the church. In order to correct this impropriety, he would submit to their lordships for a first reading, a bill "for regulating interments in Ireland in a more decent and orderly manner."

The bill was read a first time.

The Earl of *Liverpool* said, he could not consent to such a bill. The noble lord had truly said, that this was a religious question. Whether there was any thing ungrammatical in the bill he could not say; but certainly, no measure had ever received more consideration; and it had produced public quiet and peace on a subject which had previously been a source of disturbance. The noble lord objected to the words "stand and be repealed;" the language might not be very elegant, but the words were part of the common legal phraseology of bills. The act restored the right of burying in monasteries; but as some old monasteries had become private property, it was necessary to introduce a clause to protect that property. With regard to churchyards, it was not doubted that all sects, whether Catholics or Dissenters, had the right of burial in those of the parish in which they resided: but out of this there arose an embarrassing religious question; namely, whether the clergyman was on all occasions bound to perform the burial service of the church of England. The performance of the rites of the established church was objected to by many classes of Dissenters, and more particularly by Roman Catholics. To obviate this difficulty, the first thing done was, to take away all obligation on the clergyman to perform the burial service; and next, to give to Roman Catholics the opportunity of reading their prayers in the churchyard. The act, therefore, provided that this might be done on notice being given to the curate. He knew it had happened with respect to this bill, as with many other measures, that it pleased the extremes of neither party; but it had attained its object, and those whom its operation immediately affected appeared to be perfectly satisfied with it. Quiet had followed its adoption; and it had every where been well received. He had allowed the first reading of the bill; but, he would oppose the motion for printing it.

Their lordships divided: For printing the bill 1; Against it 31; Majority 30.

HOUSE OF COMMONS.

Thursday, June 2.

PRIVATE COMMITTEES—LONDON AND WESTMINSTER OIL GAS BILL.] Mr. *H. Whitbread* presented a petition from the directors of the London and Westminster Oil Gas Company, complaining of the manner in which that bill had been got rid of by the committee above stairs. After a long and laborious inquiry in the committee, of which he was chairman, and in which fifteen or sixteen counsel were heard from day to day, a number of persons, most of whom were interested in the Coal Gas companies, and not one of whom had attended for a single hour during the progress of the inquiry, came down on the last day, and voted against the bill. In this way a measure which would have been of great advantage to the public, had been lost, and with it no less a sum than 30,000*l.* which had been expended in order to carry it through parliament. The manner in which private business was conducted in committees above stairs was a disgrace to the country.

Mr. *T. Wilson* concurred in the necessity of a reform in the mode in which private business was conducted in committees.

Mr. *W. Smith* agreed, that the manner in which business was conducted by committees above stairs called loudly for reform. So much did he disapprove of the practice pursued, that he had not entered a private committee room for many years.

Mr. *Tremayne* concurred in the necessity of such a reform.

Mr. *Calcraft* said, that the general system undoubtedly stood in need of reform; but it could not be denied that it was a matter of considerable difficulty. The practice of deciding on the merits of a question, without hearing it argued, was one of daily occurrence in that House. He by no means, however, meant to set up one vicious practice as a defence for another. He had not himself matured any plan of reform, but he thought the best precedent they could follow would be the Grenville act, the provisions of which had been found to be an effectual remedy for the abuses which prevailed in Election committees. He should recommend the appointment of a special committee by ballot, whose duty it should be to consider and report on the merits of private bills. The conduct of private committees above stairs, had given great dissatisfaction to the public.

Mr. *Sykes* said, that in the present instance a measure of great public advantage had been thrown out by a majority of members, who had a direct private interest in opposing it, and who had voted against it without hearing a syllable of the evidence. He had never met with a case of more gross injustice.

Mr. *Littleton* expressed his astonishment, that any individual, who had the slightest pretension to the character of a gentleman, or a man of common honesty, could venture to conduct himself in the manner in which some of the members of this committee had acted. That any member who had not heard a tittle of the evidence on a private bill should venture to come down on the last day and vote against it, was so scandalous a proceeding that he could not find language strong enough to express his reprobation of it. He could not think, that there was any resemblance between this case and that of the votes given by members in that House. It was the duty of private committees to decide on details of which they could only judge by hearing the evidence; whereas members in that House decided on principle, and might have other opportunities of judging of the merits of a question, independently of the arguments which they might hear in that House.

Mr. *Trant* concurred in reprobating the conduct of private committees above stairs. For his part he was resolved never again to enter the door of a private committee room, until the business was put on a different footing.

Mr. *J. P. Grant* said, he had abstained from voting on this committee, because he had been unable to attend it. Though there must be a great number of members in the House who voted on that committee, and who now heard their conduct reprobated, not one of them had ventured to contradict the statement.

Mr. *Bright* recommended the immediate appointment of a committee.

Ordered to lie on the table.

LAW OF MERCHANT AND FACTOR.] Mr. *J. Smith* rose to present a petition on the subject of the law of Merchant and Factor. The petition was signed by the whole of the principal merchants of London, except one, who refused to sign it, because he was unwilling to sign a petition to the House on any subject. The petitioners complained of the operation of certain laws relating to merchant and factor, which they described as most injurious to the general interests of the commerce of this country. It had fallen to him, sometime since, to introduce a bill on this subject; but, from circumstances which occurred in another House, his object was defeated. Another measure was then introduced, applying to the same question; but it was imperfect, and wholly inefficient to remedy the evil.

Mr. Serjeant *Onslow* thought the country was indebted to the hon. member for calling the attention of the House to this important subject.

Mr. *T. Wilson* said, the subject was most important to the commerce of the country. The petition was that of the merchants of London; but it represented the opinions of the merchants of every town in England.

Mr. *Huskisson* said, he was not at all indifferent to its importance, and if any measure should be introduced respecting it, he was disposed to give it his best consideration.

Mr. *Scarlett* hoped, that if any measure should be introduced, it would be so intelligible as to be understood by all. For his own part, he did not understand the bill of last year. He would not object to any measure which might be for the general benefit of the commercial body; but he hoped that it would not embrace that objectionable clause, which took the entire control of a man's property from him, and gave to another the power of raising money on it.

Ordered to lie on the table.

IMPRISONMENT FOR RELIGIOUS OPINIONS—PETITION OF R. CARLILE.] Mr. *Brougham* presented a petition from Richard Carlile, and six other individuals. The petitioners stated, that they had been prosecuted, and were immured in different prisons of the country, for not being Christians, and for stating their reasons why they were not so. They prayed that the House would rescind the various sentences which had been passed against them, and admit them to the same toleration that was enjoyed by other Dissenters. No one who knew him (Mr. Brougham) would suppose that he was inclined to patronize any species of indecent ribaldry against the institutions of the country. He considered such ribaldry to be a crime in itself, and the very worst mode of propagating any kind of opinions. For, suppose the party who held such opinions to be right, and the rest of the country to be in the wrong, the expression of them in ribald or indecent language was calculated to affront the feelings of those whom he ought to conciliate rather than offend, if he wished to make them proselytes. At the same time, he thought that the law ought not to press too heavily upon them, because they appeared to be, in a certain degree, enthusiasts and fanatics; and toleration, as well as expediency, required that they should not be subjected to that degree of punishment which would entitle them to be considered as martyrs to the principles, such as they were, that they professed. If they had taken a bad way to attack the religion of the country, it was incumbent upon us not to take a bad way to defend it; and the worst of all possible ways would be to inflict severer punishment than their offences required. Having thus endeavoured to guard himself against misconstruction, he would say, that he could conceive no harm as likely to accrue to religion from fair and free discussion; and that until the mode of discussion became so offensive as to excite against it the feelings of almost every man in the country, prosecutions for blasphemy were among the very worst methods of defending religion. That was his deliberate and sincere opinion; for he could hardly conceive any instance in which toleration could be carried too far, either to the religion professed or to the persons professing it.

Mr. Secretary *Peel* agreed, that prosecutions should not be instituted on the score of religious opinions, so long as those opinions were expressed in fair and temperate language; but, he contended, that as soon as they vented themselves in scurrilous attacks on established institutions, they deserved the attention of the civil authorities. He maintained that the libels published by Carlile and his fellow, petitioners were revolting to the feelings of every moral man in the country, and were therefore properly selected for prosecution. He did not see how Carlile could be held up as an object of mercy. So far from expressing any contrition for the offence he had committed, he gloried in it, and not only boasted that he would continue to repeat it, but actually carried his boast into execution. To his sister, the mercy of the Crown had been extended; and she had shown herself not undeserving of it, by refusing to participate any further in the blasphemous publications of her brother.

Mr. *Monck* ridiculed the idea of defending religion by prosecution. There was no law in America against blasphemy, and yet no country in the world was more free from blasphemous publications.

Sir *F. Burdett* contended, that all prosecutions for religious opinions were inexpedient. It was agreed on all hands, that religious opinions ought to be tolerated so long as they were expressed in temperate language; but it was now argued, that as soon as those opinions were so expressed as to disgust every honest mind, then they ought to be visited with punishment. Now, it appeared to him that under such circumstances they ought not to be noticed; because if they were as poisonous as was represented, they carried along with them their own antidote. If Mr. Carlile had not been prosecuted by the government, he would at this moment have been totally unheard of; whereas, by prosecuting him, the government had given him a notoriety which he could not otherwise have acquired; and had got themselves into a scrape from which they found some difficulty in getting extricated. The infliction of great severity on any man for his opinions, no matter how offensive they might be, was the most certain way, not to wean him from, but to confirm him in, those obnoxious opinions.

Mr. *Brougham* said, that so far was the punishment inflicted on these petitioners from having put down publications of this obnoxious character, that they were now sold openly in all parts of the town [hear]. It had been said, that if the discussion of religious truths were calmly conducted, it ought to be permitted. A wonderful admission truly; Why, where would be the use of the discussion of religion, if the argument was to be all on one side? He then pointed out the glaring inconsistency of denying to the poor the right of reading any discussion upon the truths of Christianity, and of allowing to the rich the privilege of having in their libraries the works of Gibbon, and all such writers.

Mr. *Hume* said, that this was the only country in Europe where individuals were imprisoned for religious opinions. If our prisons continued to be filled with individuals suffering for religious opinions, England would succeed to the vacant post of inquisitor-general for Europe.

Mr. *Peel* said, it was ridiculous to talk of the prisons of the country being filled with sufferers for religious opinions, when there were not more than eleven persons confined for blasphemous publications; and of that number five had been prosecuted since his accession to his present office.

The *Attorney-General* contended, that the prosecutions had been effectual in suppressing blasphemous publications; and argued, that it was unfair to blame ministers for keeping these individuals in prison, when they were consigned to it by a sentence of the court of King's-bench, arising out of those prosecutions. They were most of them imprisoned for selling "Palmer's Principles of Nature;" and he would say that a more horrible, blasphemous, and scurrilous libel had never issued from the press. The juries who had tried these petitioners were not more shocked by the work itself, than by the manner in which the parties had ventured to defend it.

Mr. *Brougham* did not blame the law-officers for prosecuting these individuals, but rather for leaving them unprosecuted, until their offences had risen to such a height as to be thought fit ground for altering the old statute law of the country. He blamed them for bringing down six new acts upon the country, without trying the efficacy of those which were in existence. Long before those acts were passed, Benbow had kindly offered the throats of several individuals to the knife. Why had he escaped prosecution? If any man deserved prosecution, it was that individual, but the government abstained from indicting him, and others who were equally culpable with him, in order that they might repeat their offences, and so afford a pretext for innovating upon the constitution. It had been said, that prosecutions were not instituted because juries would not convict. He had always said, that, though juries might not be inclined to convict for libels against the government, they would be ready enough to convict for libels inciting to assassination. With regard to "Palmer's Principles of Nature" he would undertake to say, that it was not half so bad as any publication of Hume or Gibbon. Voltaire's works were full of ribaldry and indecency, and yet they had not been prosecuted for corrupting the morals of the ladies and gentlemen at the west end of the town. If works of this description were to be prosecuted, the prosecutions should be directed to the works read by the rich, instead of being confined to works read exclusively by the poor.

Ordered to lie on the table.

Repeal of the Bubble Act.] The *Attorney-General* rose, for the purpose of moving for leave to bring in a bill to repeal so much of the act of the 6th Geo. 1st cap. 18., commonly called the Bubble Act, as related to Joint-stock companies. He would shortly state to the House his object in introducing this bill. The act to which it related had of late excited considerable discussion in the courts of law and equity, and it appeared to be agreed on all hands, that its meaning and effect were altogether unintelligible. It was, in fact, impossible to ascertain what had been the intention of the legislature in passing that act. When, coupled with this fact, it was recollected, that the penalty imposed by the act, was, among others, that persons offending should be guilty of a præmunire,—that was to say, that they should incur the heaviest penalty for committing an offence against an unintelligible act of parliament—he thought he need state no more to induce the House to agree with him as to the necessity of repealing this act. But, there were other grounds which manifested that necessity still more strongly. From the year 1720, the year in which it was passed, down to the present time, Joint-stock companies had been formed for the most useful and laudable purposes, and many of them still existed. Some of them had been the means of acquiring great wealth to the individuals connected with them, and also advantageous to the public. Among them, the companies for the insurance of lives and property were the most eminent; and all of those, under the interpretation which was sometimes put upon this act, were said to be illegal. For the protection, then, of these individuals, it was highly expedient to repeal part of the existing law. He might be asked, whether it was his intention to propose any provision instead of it? And to this he must reply, that he had at first intended to do so, but that, after having very attentively considered the subject, he had been convinced that to do so would be at once difficult, unwise, and impolitic. The reasons which had induced him to believe that it would be inexpedient to legislate on this subject at all were, that up to the period of passing the Bubble act, although the commerce of the country had been extended to a very important degree, no legal enactments had been considered necessary. After the events which gave rise to this act in 1720, with the exception of a criminal prosecution, the nature of which was not very clearly understood, and which took place two years afterwards, no legal proceedings had been had under it, until ten or twelve years ago. It had, in fact, become a dead letter; and he had therefore a right to conclude that no such law was necessary. It could not be objected, in answer to this view of the subject, that it had not been exercised because it had accomplished the objects for which it was passed, because this had been done before, and companies were established shortly afterwards which had continued ever since. If any other hon. gentleman took a different view of the matter, it would be competent to him to bring in a bill for regulating companies in such a manner as he might think fit; but, he must be permitted to say, for his own part, that he did not think any such measure necessary. He would add, that he meant to insert in the bill he should bring in, a provision that it was not to interfere with any proceedings now depending in any of the courts, but that they were to be decided according to the law as it stood when those proceedings were commenced. There was another provision which he meant to add, with a view of facilitating the granting of charters by the Crown to companies for trading and other purposes. Under the charters as they were commonly granted, the persons incorporated were not individually liable for any of the debts of the company, but only so far as the corporate property extended. This circumstance caused considerable reluctance on the part of those whose duty it was to advise the Crown to grant charters. Persons wishing to form a company were therefore obliged to apply, in the first place, to parliament, for an act enabling the Crown to grant a charter, and afterwards for the charter, thus doubling the expense. To remedy this, he should propose a clause enabling the Crown, whenever application should be made for a charter, to insert in it a provision rendering any individual member of a corporation liable for the debts of that corporation, according to the judgment of the Crown in each particular case. Simple legislation had many advantages; he should not therefore substitute any act for that which he wished to repeal; for he thought it expedient that the Crown should have the power of exercising its discretion as to granting charters, and of modifying such charters according to the nature of the respective cases. He would now move, "That leave be given to bring in a bill to repeal part of the act of the 6th Geo. 1st, cap. 18, and to empower the Crown to grant Charters of Incorporation."

Colonel *Davies* approved of the motion, but feared that the learned gentleman's bill might encounter opposition in another place, from a learned lord who had already expressed his opinions on this subject. He regretted that the law, as laid down by lord Ellenborough, in deciding a case on this act, had not been adhered to; because, in his opinion, that decision sufficiently explained the act of parliament, and would have rendered the proposed bill unnecessary. A learned person in another House had uttered a general exclamation against all joint-stock companies. He supposed that learned person must be completely acquainted with the laws; but if, in uttering his indiscriminate denunciation, he had spoken intelligently as a lawyer, it was palpable that he had spoken with the utmost possible ignorance, both as a statesman and a political economist.

Mr. *Huskisson* said, that the proposition of his learned friend was one which he concurred in, because he was satisfied that the interests of commerce required the proper encouragement and protection of joint-stock companies. When the gallant member said that if lord Ellenborough's decision had not been called in question, the proposed bill would not have been necessary, he showed that by the possibility of that decision being disturbed, it was highly expedient to have the law made certain. That decision was, that all companies not prejudicial to the public interests were legal. But, where there were so many companies, was it fit that this question should be left to the consideration of the jury? Where persons had embarked large properties in a speculation, ought they not to be guaranteed by some secure provision of the law, instead of having their interests left to the eloquence of a counsel, or to the discretion of a jury? He had no reason to doubt that lord Ellenborough's interpretation of the law was correct; but the law itself was still left in a state of uncertainty, and the object of his learned friend was, to remove that uncertainty. The impulse which had recently been given to commerce, and which would in all probability be extended much further, called for some further protection than that which existed. The mere provision, that parties should sue and be sued was not enough, as the inconveniences which were every day experienced, abundantly proved. His learned friend, in bringing in this bill, had done that for which the commercial world and the whole community would be infinitely indebted to him. Parties would in future be enabled to enter into their speculations, without any other restriction than that which the Crown would exercise in pronouncing upon the utility and propriety of their designs. He trusted that the House would approve of the proposition, and he had no reason to believe that it would experience any opposition in another quarter which had been alluded to, because it was evidently calculated to do away with all the evils of the present state of things.

Mr. *K. Douglas* was glad to see this subject engaging the attention of the House. There were several companies in Scotland, which had subsisted for many years under an impression that they were legal, and without the least notion that they were incurring the penalties of an act which had become a dead letter. In some recent cases, however, great inconvenience had been experienced by the parties, in consequence of the objections arising under this act.

The *Attorney-general* said, that the bill he proposed to bring in, was for the repeal of the Bubble act, which applied only to England. He believed it was intended to propose measures in the other House respecting Scotland.

Mr. *Denman* could not agree with his gallant friend, as to lord Ellenborough's decision, because it left the law just in this state — the persons composing a company were liable to be indicted, and there were two points to be decided; the first by the jury, whether the object of the company was beneficial or injurious to the public; and the second what interpretation the judge might think fit to put upon the words of the act. Both these points were, in his opinion, very unfit to be left either to judge or jury. Since the passing of the act, only two cases had arisen upon it, in which the jury had found that the objects of the companies were beneficial; but it was nevertheless a subject which, in its nature, admitted of so much variety of opinion, that it was unfit to be left to the decision of a jury. The act to be repealed was a specimen of the inexpediency of occasional legislation. It was not passed until after the evils which, it pretended to remedy were over, and at the end of a century it was the cause of serious inconveniences, to obviate which another application to the legislature had become necessary. As to the power proposed to be given to the Crown to grant charters, he questioned the propriety of it.

Leave was given to bring in the bill.

Judges' Salaries.] The House having resolved itself into a committee on the English Judges' Salaries,

The *Chancellor of the Exchequer* said, it would be necessary for him to explain to the committee the state in which the question was left by the last discussion. The original resolution was met by an amendment for a further increase of the salary of the lord chief justice. That amendment was lost, and the resolution was carried, comprehending an increase of salary for the chief justices, puisne judges, master of the rolls, and vice-chancellor. He proposed subsequently to make a reduction of 500*l.* a-year from the salaries, and give that as an increase to the retired allowances. He proposed to make the pension of the master of the rolls 3,300*l.* a-year, and to give the same to the chief baron and the chief justice of the Common Pleas. The retired pension of the chief justice was 3,800*l.* He proposed by a small addition to make it 4,000*l.*, which was the same allowance as that of a retired lord chancellor of England and of Ireland. One other resolution which he had to propose regarded the matter of some fees, now taken by the chief justice as part of his emoluments. It was for the House to determine eventually what should be done with those fees. The attention of government had been most anxiously given to the consideration, whether some or most of these fees might not be abolished, which, in the way of saving unnecessary expense to the suitors, might be very desirable if it did not place a greater burthen on the public thereby. He would move, that those fees in the mean time should be carried to the consolidated fund. On one point the government were already agreed. It related to those writs of error which were in their nature frivolous, or intended for delay. If the alteration which they anticipated should take effect, away would go a considerable portion of other fees hitherto receivable by the chief justice. He concluded by moving, that an additional 500*l.* a-year be added to the retired allowances of the Puisne Judges.

Mr. *J. Williams* enlarged on the advantages of arranging the salaries and pensions, so as to induce the best men to accept the office of judges, and to leave them no temptation to remain on the bench after the decay of their faculties and bodily strength had rendered them unfit for the duties of their station. They ought to take away the adhesive power of the bench over the inclination of the judge, by providing amply for his retirement. The retiring allowance ought to be increased to such a sum as would be an inducement to a judge to retire from the bench before he retired to the grave; for now retirement and the coffin were the same thing. To prevent the great mischief that must follow from the continuance of such persons on the bench, the temptation should be such as to make them retire the moment they were unfit to hold it. With these views, he proposed as an amendment an addition of 400*l.* a-year to the retired allowances beyond the 500*l.* now moved by the chancellor of the Exchequer.

Mr. *Denman* thought no case had been made out for an increase of salary; but, as it was important that judges should retire when they were no longer competent to discharge their duties, he thought it necessary to make an addition to the retired allowance.

Mr. Secretary *Peel* said, that the proposed scale of allowance was in perfect accordance with the sums granted to the lord chancellors of England and Ireland, on their retirement.

Dr. *Lushington* thought, that an adequate allowance ought to be given to the judges, whose infirmities required that they should retire. He declared, upon his honour and conscience, that he had seen judges preside on the bench, who were totally unfit to hold the situation. And when they considered the extreme injury caused by one wrong decision, they could not be too cautious in preventing any such decisions from being pronounced. But, in cases of life and death, a judge should, above all things, be in the full and entire possession of his faculties. The increased sum proposed to be given to the judges, would be more than counterbalanced by the benefits it would confer on the community. Those who looked to economy in this way, forgot that while they were saving hundreds, they were squandering thousands upon thousands in another way.

The *Attorney General* was induced, upon mature reflection, to support the amendment. It was of the utmost importance to take away all inducement to judges to keep on the bench when their incapacity had made their retreat a matter of necessity. He knew there had been instances where the difference between the salary and pension had been a consideration of such a nature as to prevent a judge labouring under the greatest weakness from retiring, though his inclination would have led him to do it cheerfully, were it not for that. It would cost actually a less sum to the public to give the addition proposed, than the original resolution for granting 6,000*l.* a-year to the puisne judges would have cost.

Mr. *J. P. Grant* approved of the amendment, and said, that in Scotland they were not without instances of judges clinging to their places after the failure of their mental and bodily faculties. He thought fifteen years too long a period to exact, to entitle a judge to the retired allowance.

Mr. *Whitmore* supported the amendment.

Mr. Secretary *Peel* said, that the amendment seemed to meet the general feeling of the House, and no duty could be more gratifying than to give way on a point of this nature. The discussion proved that the inclinations of the judges had not been at all consulted in bringing this measure forward. Indeed, he had made a point of not communicating with any one of them.

The *Chancellor of the Exchequer* expressed his readiness to adopt the amendment of the hon. and learned gentleman. The scale of retired allowances for the other judges would, however, require some corresponding increase.

The resolutions for granting 3,500*l.* to the Puisne Judges, and 3,750*l.* to the Chief Justice of the Common Pleas, the Chief Baron, Master of the Rolls, and Vice-Chancellor, as retired allowances, were then agreed to. After which, the House resumed.

HOUSE OF LORDS.

Friday, June 3.

Unitarian Marriage Bill.] The Marquis of *Lansdown* rose, to move the second reading of this bill. He reminded their lordships, that last year he had proposed to them a bill to the same effect as the present, which had been brought up from the Commons. That bill had been thrown out on the second reading; but now a bill for the same object had passed that House without a division in any of its stages. The present bill differed in some respects from that of last session. Much pains had been taken to improve it. Ministers of the established church had lent their assistance in framing it. He did not state this fact with the view of obtaining any improper influence over the minds of their lordships, but to induce those who were disposed to object to it, to consider the subject well before they opposed a measure which came before them under such a sanction. The object of the measure was, to remove the difficulties which stood in the way of the performance of the marriage ceremony, with regard to certain individuals. Every individual, whatever his religious opinions might be, was entitled to have all obstacles removed which tended to prevent him from celebrating, in what he considered the most solemn manner, that ceremony which formed the most sacred of all ties. Every unnecessary restriction which affected particular classes of persons, in regard to such an object as marriage, ought surely to be done away; and on this subject it was their lordships' duty to give every relief which was consistent with the safety of the state. Only those regulations which were called for by necessity ought to be maintained. The different regulations adopted, in this and other countries, resolved themselves into two kinds, civil and religious. With regard to the former, in as far as related to matters of police, the object of the bill was, to maintain every civil right. The persons for whose benefit it was introduced were ready to submit to any civil regulation on the subject of marriage, which their lordships might think fit to impose. The religious part of the question was totally distinct from the civil; and all that the bill proposed to do, was to provide against the depreciation of the sacred ceremony of marriage, by regulations to which the Unitarians could not conscientiously submit. To make the legality of so solemn a tie as marriage depend upon declaring what the parties did not believe to be truth, was to invite them to do that which their lordships must regard as highly improper. According to the former bill, the marriage ceremony was to be celebrated by the clergy of the established church. That mode had, however, been thought objectionable, and it was therefore provided by the present bill, that the ceremony should be carried into effect by the Unitarian ministers, in their own congregations. As the ceremony of marriage was intended for the benefit of the whole community, it would be proper to perform it, as far as possible, in the same manner for all classes; but as conscientious scruples about performing the ceremony to Unitarians existed in the minds of many ministers of the established church, this mode had been abandoned. In the same way, some of the ministers of the established church had objected to registering the marriages of persons who were united by a ceremony inconsistent with the principles of the church; and to obviate this difficulty, the Unitarians were willing to take upon themselves the trouble of registering their own marriages. In fact, the bill did nothing more than afford relief from regulations inconsistent with the conscientious scruples of individuals. None of their lordships would say, that the opinions of the persons whom the bill proposed to relieve were not tolerated by law; and being so, the law ought to protect them, and facilitate to them the means of duly performing the most sacred of all the relations of society. It would, perhaps, be asked, why the persons for whose benefit the bill was framed were so scrupulous? Some, he was aware, might make a compromise with conscience, and be able to satisfy themselves of the propriety of every opinion that was consistent with their temporal interests: but their lordships, surely, would not encourage a species of reasoning which led to a disregard of the truth of the most solemn declarations. Persons ought not to be forced to enter the temple of God with equivocation on their tongues, nor be made to subscribe to what they did not believe to be true. Wherever sincere and conscientious scruples existed, they ought to be met half-way. On these grounds, he proposed the second reading of this bill.

The Archbishop of *Canterbury* said, he had voted for the bill of last session, and would give his support to the present, because its tendency was equally to relieve Unitarians and ministers of the established church. The scruples of the Unitarians he believed to be sincere; but he was chiefly anxious to remove the difficulties in which ministers of the church were involved by Unitarian marriages. By this, or some other measure, he wished to do away with that unhallowed equivocation which, sanctioned by law, now took place at the foot of the altar.

The Bishop of *Bath and Wells* said, that having stated his sentiments at some length upon this subject when it was before the House last year, he would trouble their lordships with very few observations upon it at preesnt. He felt himself bound, however, to state, as briefly as possible, the reasons which impelled him to oppose this bill. His objection lay to the principle of the measure. He did not see on what grounds marriage, according to the rites of the church of England, could be considered a grievance to the Unitarians. What were they called upon to subscribe? Merely the parties' names. They were obliged to make a declaration "in the name of the Father, and of the Son, and of the Holy Ghost:" but these very words were used in their own printed form of prayer. The words used by the Unitarians in their ceremony of baptism were these—"I baptize thee in the name of the Father, Son, and Holy Ghost." They could not, therefore, justly object to their own form of prayer. He also admitted, that the clergyman who performed the ceremony of marriage gave to the parties benediction, by praying to God the Father, God the Son, and God the Holy Ghost, to bless them. Now, if they did not think that they were the better for this, surely they could not feel themselves the worse for it. He defended the ministers of the church of England from the charge of equivocation in the performance of this ceremony for the Unitarians. There was no ground for such a charge; for the word equivocation implied the saying one thing and meaning another, for the purpose of deception. Now, there was no deception here; because the minister knew beforehand the opinions of the Unitarian, and the Unitarian knew those of the minister, so that neither party was deceiving or deceived. The ministers of the church were therefore neither guilty of equivocation, nor pious fraud. He denied that the Unitarians had any just grounds for saying, that their consciences were violated. Occasions were continually occurring, when points of doctrine laid down by ministers of the church were disapproved of by some individuals, who said that they would not again go to church to hear them; but, that was no reason why the church of England should not lay down the pure doctrines of Christianity. If the minister of the gospel did not propound the true principles of faith in Christ Jesus, how else was the gainsayer to be converted? If this privilege were ceded to the Unitarians, it must also be granted to every other sect and community, however erroneous their opinions might be. The doctrine of the Unitarians gave them no claim to be looked upon as a favoured sect; yet this concession was calculated to give a spread to the opinions of that sect; although by denying the divinity of Christ, they laid the axe to the root of the tree of Christianity itself. For these reasons he would move, as an amendment, that the bill be read a second time that day three months.

The Bishop of *Lichfield* considered the opinions of the Unitarians as utterly destitute of any foundation in the word of God; but still he looked upon their present complaint as well founded, and considered the bill entitled to their lordships' support, as calculated to deliver the church of England from the scandalous profanation of such a compromise at the altar. He was a friend to toleration; but he did not conceive that the present bill would operate as any encouragement to sectaries.

The *Lord Chancellor* would be glad if any one would inform him what was meant by the word Unitarian; for, if a Unitarian was a person who denied the divinity of Christ, their lordships, before they passed this bill, must first pass an act rendering it lawful for him so to do. His lordship referred to the act of William, to show that the denial of the divinity of our Saviour was declared to be a crime, which subjected the party guilty of it to a severe punishment. The act of toleration did not repeal the law as it stood before. It only excepted the parties, in some cases, from the consequences of that which was a crime at common law before the passing of that act. If it was a crime at common law to deny the divinity of Christ, their lordships should begin with repealing the common law, and not with passing an act of parliament in the teeth of it. The Jews and Quakers had marriage ceremonies of their own, and he should not be sorry to see a bill introduced, declaring their marriages to be valid; for, although they were excepted in lord Hardwicke's act, yet in a case which had lately come before him, considerable doubts had been raised as to the validity of Quakers' marriages. He considered the doctrines of the Unitarians as calculated to work essential mischief, and therefore called upon the House not to sanction that which the judges of Westminster-hall must deny in judgment.

The Earl of *Liverpool* observed, that his noble and learned friend had said, that, notwithstanding the act of toleration, the common law was still in force. But his noble and learned friend towards the conclusion of his speech, had furnished an argument against himself; for, what did he admit? That Jews and Quakers might lawfully marry according to the rites of their own communions; for they were excepted in lord Hardwicke's act. Now, could any man assert that the doctrines of the Unitarians were more at variance with the principles of Christianity than those of the Jews were? The Unitarians denied the divinity of Christ; but the Jews denied the truth of Christianity altogether—they blasphemed and crucified the Saviour, whom we adored. The same argument would apply to Mahometans and various other persuasions, if the members of them were sufficiently numerous in this country. But, how did the law stand at present? In some cases, marriage according to the rites of the church of England was not necessary even amongst members of the church of England; for they might go to France and be married by a Roman Catholic, or to Scotland and be married by a Presbyterian; and in both cases the marriage was good and binding. He believed that if, in a country where a priest could not be had, a marriage was performed by a civil person, that marriage was also valid by law; and the reason was, that every possible facility might be given to marriage, in order to prevent immorality. The strongest argument against the bill, was that which had been urged by a right reverend prelate, who had said if the concession be made to the Unitarians, why not extend it to every other sect? The answer was, because it would be impossible to frame a general act to meet the object in view. They had an example for the present measure in the case of the Quakers. He thought, that where there was a sincere and conscientious objection entertained, it ought to be respected. A Jew could not, a Quaker could not, a Unitarian could not, submit to have the ceremony performed by the church of England; or, if he could, it was only by casting a slur on that church; for their lordships constantly saw in the papers statements of protests which must have filled them with disgust. The church had a right to compel marriage according to her own rites, amongst her own members; but, as she did not assume to be an infallible church, he did not see why she should look with any jealousy on the doctrines of those who were of a different communion. He therefore saw no objection to the bill.

The Bishop of *Chester* said, there could be no question as to the importance of this subject to the Unitarians. If they really considered that by submitting to the ceremony of marriage in the church of England, they were brought to worship the Trinity, he certainly thought them entitled to relief. He was ready to admit their sincerity; but they were spurred on to their present complaint by a sect who called themselves "Free-thinking Christians." As, however, there was no very great grievance imposed upon their consciences, he thought they might submit for one year longer to the privation of what he considered a right. He agreed that the present measure would afford not only relief to the Unitarians, but to the clergy of the church of England; and he would therefore put the former on the same footing with the Quakers, and all the other Dissenters, before the passing of the marriage act. He was not for imposing the doctrine or the discipline of the church of England upon those who could not conscientiously entertain them; but the Unitarians were not prepared at present to give the necessary securities against clandestinity, and therefore he was impelled to oppose this bill.

Lord *Redesdale* opposed the bill.

Lord *Calthorpe* contended, that it was unfair to place the Unitarians on the same footing as any other Dissenters. To other Dissenters who did not deny the doctrine of the Trinity, the marriage ceremony was no hardship, but it was to Unitarians a very great one. He would not impugn the legal argument of the learned lord on the woolsack; but the present law, admitting it to be correct, afforded, in his mind, a strong reason for passing the bill. The church could not promote her true interests better than by conforming herself to the increasing knowledge of the age. Nothing could be more injurious to her than to place her in opposition to liberal ideas. The church was able to rely on her own strength, and might, without fear, appeal to the augmented learning and assiduity of her clergy, to the increased number of her churches, and to the two great Universities, which year after year sent forth distinguished champions to uphold her rank and maintain her security. He supported the measure, because it would add to the dignity and character of the church of England.

The House divided: For the second reading, Content 32; Proxies 20—52; Not Content 31; Proxies 25—56 Majority against the bill 4.

HOUSE OF COMMONS.

Friday, June 3.

WESTERN SHIP CANAL BILL.] Lord *Folkestone* opposed the bringing up of the report of the Western Ship Canal Company bill, on the ground that the standing orders had not been complied with. He maintained, that the list of subscribers was, in effect, a fabricated list; the names of any persons being inserted as holders of one hundred and two hundred shares, who did not hold more than thirty and fifty; and many persons being inserted in the list as shareholders, among whom were several members of that House, who declared that they had nothing whatever to do with the speculation. For a project, requiring a capital of 1,700,000*l*., not more than 250,000*l*. had actually been subscribed. It was, in his opinion, a fraudulent speculation, and he should give it his determined opposition.

The *Speaker* observed, that, in point of form, the report must be received, but that it would be competent to the noble lord to oppose the bill in a future stage.

Lord *Folkestone* withdrew his opposition to the receiving of the report, but declared that he should oppose the bill when it next came before the House.

Mr. *Baring* trusted that the House would not be prejudiced by any thing which had fallen from the noble lord. He had never known a committee more regularly attended than that which sat on this bill; and the circumstances adverted to by the noble lord had been fully considered by the committee before they agreed to the report.

Mr. *Brogden* thought the measure likely to be beneficial, and that though there might be some mistakes in the list of subscribers, nothing had been shown to sanction the supposition that it was a fabricated list.

Sir *T. Lethbridge* maintained, that the standing orders had been complied with.

Sir *J. Yorke* said, that if the names of persons who had nothing to do with the transaction were inserted in the list of subscribers, it was, to all intents and purposes, a fabricated list. In his opinion, the whole concern had been got up in a very suspicious manner.

Sir *T. Acland* thought there was no ground for the supposition of the noble lord.

Mr. *W. Williams* maintained, that the list of subscribers was got up in a way calculated to mislead the public. It was the duty of the House to discourage speculations of this description, in which petty shopkeepers and others, imagining that they would only be liable to the extent of the deposit of one pound for every hundred, were tempted to embark their little capitals, and expose themselves to utter ruin.

The *Speaker* thought it right to observe, that there could not be a greater mistake than to suppose that persons embarking in these speculations were liable only to the extent of the deposit of one pound for every hundred pounds. By one of the standing orders it was expressly provided, that all such shareholders should be liable for the whole cent per cent.

The report was then received.

London College Bill.] Mr. *Brougham* said, that as, upon consideration, it appeared that the London College bill came within the description of a private bill, he should move for the discharge of the order for the second reading of the bill on Tuesday next, with the intention of taking it up as a private measure. As gross misapprehensions had gone forth on the subject, he would shortly state, what the nature of the intended bill was, and what it was not. The only object of the bill was, to enable a certain number of persons to form a corporate body, with power to sue and to be sued. Its object was not to create a joint-stock company; except in so far as it was proposed to incorporate the individuals in question by law, to enable them to transfer their shares, to sue and be sued, and to purchase lands as a corporation. It would not give power to any individual to withdraw himself from the responsibility of the whole amount of the debts that the corporation might incur. With respect to the institution itself, it was not intended to apply to parliament for any exclusive privileges; it was not intended that degrees should be given, fellowships or scholarships conferred; or, in short, any of those exclusive privileges be required, of which the two universities were at present in possession. The object of the proposed measure was, that whereas in London, there were many hundreds of persons who had not the means of obtaining for their children an education at the universities; prevented from so doing, some by the distance, others by an indisposition to let their children go from under their own superintendance; and still a greater number by the expense attendant on a university education; they should have an opportunity, on moderate terms, and near home, of securing so desirable an advantage. If he were to say that 200*l.* a-year was the smallest sum at which a gentleman's son could be educated at Oxford or Cambridge, he was sure he should be told his estimate was very low, and that the average of the expense was much higher. This evil was accompanied by all the collateral evils usually attendant on the evil of spending money; by idleness and dissipation, which required the most vigilant superintendance, and the most unrelaxed discipline on the part of the university authorities. He spoke from the very highest official authority, when he stated, that the expenses of the students, at the universities, had increased to such a degree, that, if not checked, they bade fair to injure those learned bodies. It was but just to add, that great pains had been taken to remedy the evil, and that sanguine hopes were entertained that the most salutary effects would result. It was also but just to add, that the greatest improvement had of late years been made in other parts of the discipline of both universities. In Cambridge, classical studies had been more attended to; while in Oxford, the severer sciences, which had hitherto been the peculiar object of the sister university, were much more generally pursued. The effect was beneficial in both cases, by the introduction of a more scientific and useful education in both universities, calculated to promote the progress of knowledge, in consequence of the salutary rivalry which it tended to produce. The object of the proposed institution was, to bring home these advantages to the inhabitants of London, and to put them in possession of the means of giving their children a liberal and scientific course of education. The hundreds of tradesmen and other inhabitants of London, who were debarred from sending their children to the universities by considerations of distance and expense, might have them instructed in London at an expense of ten pounds a year, viz. in three classes of three guineas each, and a guinea entrance; whereas, it was utterly impossible that a similar education could be obtained at Oxford or Cambridge, for less than from 180*l.* to 200*l.* a-year. That was the principle and ground of the proposed establishment; it being intended to secure the assistance of the best professors of the sciences, letters, and the arts, in all their branches. In order that the situations of these professors should, under no circumstances become sinecures, it was intended that they should not have houses at the colleges, and that their salaries should be very moderate, not exceeding 80*l.* or 100*l.* a-year; leaving them to rely principally for their remuneration on the number of their pupils; with the exception of the professors of some branches of study, such as Oriental literature, whose lectures, it was probable, would not be attended by many students. One great object would be, to lay the foundation of a good medical school; a thing which could be accomplished only in the neighbourhood of a large hospital or hospitals. The good consequences that would thence result not merely to the civil part of the community, but to the naval and military establishments of the country, were too apparent to require comment. Such places as London and Liverpool were those alone in which so desirable an object could be effectually pursued; and it was therefore intended to lay the foundation of a medical school within a quarter of an hour's walk of one of the hospitals. It was well known that schools for mechanics were now establishing in all parts of the kingdom. He had the satisfaction to say, that thirty of these institutions were nearly completed. The result would be the general diffusion, if not of scientific education, properly so called, of scientific reading. It was not likely that respectable tradesmen would be satisfied to see their sons more ignorant than the sons of their carpenters and their bell-hangers; and he, therefore, confidently expected a great deal of zeal and a great deal of anxiety in support of the new college. It was not intended that there should be any kind of test; it was not intended that there should be any exclusion on theological grounds; theology being, indeed, the only branch of learning which it was proposed not to teach.—The government of the college was to be that of a chancellor, a vice-chancellor, and nineteen directors, who were to have the power of suspending or removing the various professors, and of otherwise interfering in the discipline of the college. He would now move that the order for the second reading of the bill be discharged; and give notice that on Monday he would present a petition for leave to bring in a private bill on the subject.

After a few words from Mr. M. A. Taylor, the order of the day was discharged.

QUARANTINE LAWS BILL.] On the order of the day for the third reading,

Mr. *C. Grant* said, he wished to make a few remarks, in consequence of the many misrepresentations that had gone abroad upon the subject. The present bill was founded upon the report of the committee of Foreign Trade, which sat last session. From what had been circulated abroad, it would seem that the committee had investigated the subject of contagion, and had denounced the established system of guarding against its introduction from abroad. So far from this being true, the bill adopted as a principle, that the present system of Quarantine laws was to be adhered to. The last committee had altogether avoided inquiry into the subject of contagion, but had taken their data from the report of the committee of 1819. That report assumed, as a datum, that a system of caution should be observed, and the recent object of inquiry was, how far the present system could be modified with advantage? The committee had gone against the advice of those medical men, who declared that contagion was not a subject of apprehension. The former punishment for violating the Quarantine laws was death; and it had struck the committee that a milder punishment would tend to the better enforcement of the law. In point of fact, the committee had recommended nothing more than had been advised by the medical gentlemen who had been consulted upon the subject. One medical gentleman was of opinion, that during six months of the year the Quarantine laws might be greatly relaxed; and others went so far as to say, that during three months they might be done away with altogether. Dr. Granville was of opinion that sixty days, including the voyage, would afford sufficient security against that disorder. But, no matter how the opinions of the medical men varied upon certain points, upon one they were all agreed; namely, that it was right to modify and amend the

Quarantine laws, with a view to the reduction of the number of days during which vessels returning from certain ports were to be detained. In regard to clean bills of health, he thought it would be sufficient that vessels arriving with such bills should be visited by proper officers, who would report to the privy council; and upon favourable answers, which would be received by return of post, such vessels might be admitted. It was the intention of government to appoint some experienced and able medical inspector, whose duty it would be, to overlook all the reports made to the privy council, and to advise them thereon. It would be desirable, also, that he should inspect all the quarantine stations.

Sir *Isaac Coffin* said, his object in rising was, to do away with the idea that the plague never manifested itself to the northward of Cape Finisterre. Every man acquainted with history must know, that the plague had made its appearance in England four times, and had swept away 116,000 persons. His own apprehensions about the possibility of its re-appearance in these parts of the world had been more than once (as we understood) seriously excited. The gallant admiral read a letter of a physician, in which the writer stated that a friend of his, a strong non-contagionist, had thought proper during his sojourn at Malta to shut himself up in the island of Gozo, when the plague had declared itself there. In a few days his temerity cost him his life. He was surprised that the same fate did not overtake Dr. Maclean, who ventured to reside in the pest-house at Constantinople, among the plague patients confined there.

Mr. Secretary *Canning* said, he was anxious that the House should understand that the doctrine of non-contagion had not received any countenance from his majesty's ministers. The mischief which had been produced by the unreserved declarations that had been made by the disciples of this doctrine, was much greater than gentlemen were aware of. Already at Marseilles, Genoa, and Naples, a much longer quarantine was imposed on British shipping, than on the shipping of other European nations. Under these circumstances, he hoped these gentlemen would keep such opinions a little more to themselves; or, if they would continue their experiments, he trusted they would be made in corpore vili, rather than upon subjects which involved the general welfare of the community.

Mr. *Hume* agreed that the mischief adverted to had been considerable, and he thought it was but right that ministers should do every thing in their power to contradict the opinion that had gone abroad, that our present Quarantine laws were about to be repealed. But, he had to complain that this declaration was not made when the bill was first introduced. He could not help observing on the lecture which had been read by the right hon. gentleman, to the hon. member for Westminster (Mr. Hobhouse) and others who thought with him on the subject of contagion; in respect to whom the right hon. Secretary had expressed a wish that they would keep their opinions to themselves. Now, he was himself by no means satisfied that the principle of contagion did exist, to the degree in which it had been long supposed to exist; at any rate, he believed that the discussion of the question could not be productive of any harm. With regard to the appointment of the medical officer, he thought it ought not to be left to the discretion of any one man to replace, in this respect, that system of examination which had gone on so well for so long a time.

Mr. *Huskisson* felt assured, that if the hon. gentleman would only consider the responsibility which attached to the Board of Trade, he would see that it was desirable they should have the assistance of some officer, possessing the advantage of having visited countries where the plague raged; and whose observation and judgment might guide the board in all questions of quarantine. For his own part, he thought this sort of appointment a most important object. He regretted that reports and loose assertions had gone abroad, that government intended to do away with all precautions. He had also read in the newspapers, that a lazaretto was established in Sheerness, in consequence of the contagion having been communicated; when, in point of fact, all the crews were in perfect health. This intelligence spreading to the continent, induced foreign governments to put the Quarantine laws in force against us.

Mr. *Denman* said, he rose merely for the purpose of stating the opinion of an individual on the subject, which might have some weight with the House. He had had the opportunity of looking over the papers of the late Dr. Baillie, and amongst them he found one which showed that he had examined the subject with great care, and the result of that inquiry was, that it would be unsafe to remove the precautions against infection.

The bill was read a third time.

MAURITIUS TRADE BILL.] On the order of the day for the second reading of this bill,

Mr. *Bernal* said, it was proposed by this bill, to place the Mauritius sugar on the same footing with that of the growth of the West-India colonies. It was contended, that this measure would not injure the West-India planters; first, because the distance of the West Indies from this country was so much less than that of the Mauritius; and next, because the quantity of sugar grown in the latter colony was so inconsiderable. Now, it appeared from the papers laid on the table, that though at that moment the inhabitants of the Mauritius did not carry on an illicit trade in slaves, yet that they had done so up to the year 1821. This being an admitted fact, he could see no reason for granting the benefit at present proposed to those who, long after the legislature had prohibited the traffic, thought proper to indulge in it. Such a measure was very hard towards the colonists of the West-India islands, who had done their utmost to discourage the slave-trade. The island of Mauritius had, in the first instance, requested to be considered as a port within the limits of the East-India Company's charter. For five or six years they enjoyed the advantages of a free port; they then turned round, and stated, that they no longer desired to be entitled to the advantages of a free port, but that they wished to be placed on the same footing as the West-India islands. The fact was, however, that the trade of the Mauritius stood on an entirely different footing from that of the West-India colonies. He could not conceive on what principle the sugars of the Mauritius were to be admitted on the same footing as those of the West-India colonies, while the sugars of the East-Indies were in effect prohibited.

Mr. *W. Horton* said, that at the time the Mauritius was captured, it was stipulated that they should be placed in the same situation as our other colonies. It was a mere accident that it was contained within the limits of the East-India Company's charter, and that could not take away its right to enjoy the same privileges as the West-India colonies. As to the alleged inconsistency of the inhabitants having at one time claimed freedom of trade, and subsequently requested relief with respect to their sugars, cogent reasons might be found for their conduct. In consequence of the order in council of 1816, connected with several local circumstances, the inhabitants found it necessary to abandon the free port, and adopt the alternative which was embodied in the measure now before the House. The hon. gentleman had stated, that slaves had been introduced into the Mauritius, and that it would be unjust to show favour to men who supported it. This assertion must be decided by facts; and the hon. gentleman would find, that for years, the trade had not existed; and that even prior to 1821, it was not carried on to any great extent. The quantity of sugar was not so extensive as to give the West Indies any very serious grounds for alarm. Under all the circumstances, he could not see any just reasons for refusing to place the Mauritius on an equality with the West Indies as to the duty on sugars.

Mr. *G. R. Ellis* contended, that the condition of this island was regulated at the period of the peace, and ought not to be altered, unless special grounds for doing it could be shewn. He contended, on the authority of the African institution, that the slave-trade had been carried on in the Mauritius, and that the inhabitants had taken an active part in it. He gave great credit to sir R. Farquhar, for his meritorious exertions in suppressing that trade; but he attributed his success to his treaties with the native princes, and not to the co-operation of the inhabitants. What, he asked, would be the effect of this measure on the minds of the inhabitants of the West-India islands, when they saw the inhabitants of the Mauritius, who had carried on this trade in spite of the laws, rewarded for it by the government, to the ruin of the West-India islands? The moral effect could not be other than injurious.

Mr. *Huskisson* said, that in the last session it had been proposed to reduce the duty on Mauritius sugar; but the answer of the West-India interest had then been, that the Mauritius enjoyed commercial advantages in which the West-India islands did not participate. That plea was now taken away; the restrictions which had operated upon the West-India islands, and which did not affect the Mauritius, had been removed; and both interests being now, as regarded commercial advantage, on a footing, a new ground of objection was taken to the reduction of the Mauritius duty. Accordingly, it was now alleged, that the colony of the Mauritius had carried on, and did still carry on, an illicit commerce in slaves. This allegation was not supported by fact. Prior to 1820, some smuggling of slaves had taken place; but that practice continued no longer. The Mauritius, then, must be judged, not according to what it had been, but according to what it was. If it was to be laid down as a general principle, that every colony possessing slaves, and not entirely adapting itself to the wishes of parliament with respect to them, was to be visited with a heavier tax, let that principle be applied universally. He decidedly supported the present measure, and thought that the West-India interest was wrong in opposing it. The whole question as affecting the West-India interest, amounted to this—that some 10,000 or 12,000 hhds. of sugar might come into the English market; but if they did not come here, they would find their way into the European market, and would have the effect of determining the general price of the market. He might be allowed to tell those West-India proprietors, that whenever the consumption of this country should equal the supply from the West-Indies, and should verge towards exceeding it, they would no longer be able to maintain their monopoly.

Mr. *Bright* contended, that, at the period of the capture of that colony, it was entirely commercial; now, it had become essentially agricultural; and, in a tropical climate, this great change could only have been effected by an increase of slaves. The produce of the island had, within the last five years, increased three fold; so that there must have been a slave-trade since 1820 to have produced this increase. For the assurances as to the cessation of the practice, we had the same assurances in 1816.

Sir *Robert Farquhar* said, that the House would excuse his intruding himself on its attention, as he naturally felt a strong interest in the prosperity of a colony whose affairs he had so long administered. In 1810, he proceeded with the expedition to the capture of the Isle of Bourbon, accompanied by that meritorious officer, captain Willoughby, who had shed his blood so often in the service of the country, who distributed the proclamations which held out to the inhabitants, not only the advantages they had enjoyed under the protection of France, but the pre-eminent advantages of British colonies. The prospects held out were free trade, and the fullest protection to the produce of the colony in the markets of Great Britain. How did the facts stand? They had lost the extensive trade they formerly possessed, and they were met with the severest restrictions in the ports of this country. The order of council issued in 1816, giving to those colonies a free trade, was accompanied with so many restrictions, that, coupled with prohibitions in the ports of France, it was a mere nullity. The fluctuations which followed alterations in the British markets, had destroyed all confidence in the commercial body of the Mauritius as to that system. Being thus frustrated in their speculations as to the free trade, they naturally became an agricultural colony, and in consequence of the successive hurricanes which destroyed the cotton and clove plantations, sugar was the only produce which enabled them to provide for their own subsistence, or to pay their taxes. Bourbon being severed, by the treaty of Paris, from Mauritius, enjoyed all her ancient advantages; and the contrast of such prosperity with the depression of the Mauritius, naturally tended to excite the discontent, and alienate the feelings of the inhabitants of the latter. The consequence was, that Mauritius was placed in this anomalous situation, since her connexion with England, that she was sacrificed to European policy; and, as to her trade, depressed, under some reference to our India system, with which she had no other connexion than her position within some visionary boundary some few degrees east of the Cape of Good Hope. There was France on one side encouraging and protecting the prosperity of Bourbon; with the Netherlands on the other, most assiduous in developing the resources of Java; while the Mauritius was permitted to dwell upon her losses, and such a galling contrast. If hereafter any Anti-English European power should arise in India, what co-operation or attachment could we expect from a people, to whom such pledges were given, and by whom such treatment was received? Its importance was best exemplified in the recollection of those effects which it had already accomplished. It assisted, when under the government of France, in endangering the security of India, and had at one time captured Madras. Since its accession to Great Britain, those local resources had been applied to great advantage in the Nepaul war; and, perhaps, were at this moment found to afford effective assistance against the Burmese. Mauritius was surely entitled to share in the benefits extended to other colonies. There was no other ground that he could see for refusing the present grant, except what consisted in the peremptory assertion, "sic volo, sic jubeo." His own experience, corroborated as it was by the despatches of sir Lowry Cole, justified him in pronouncing it as his decided opinion, that at the present moment there was no slave-trade carried on in the island of Mauritius. He would allow that four or five years ago a slave-trade was carried on, not by the respectable inhabitants, but by a set of French renegadoes, concerned in privateering. Every step, however, had been taken by the British government to put an end to the traffic, by treaty and otherwise. Radama, prince of Madagascar, and the Imaum of Muscat, had observed the treaty most religiously by which they had bound themselves; and there was every reason to hope, that through the efficacy of the slave laws, and the vigilance of the police, the benevolent intentions of parliament would continue to acquire strength in that part of the world. The House should also be cautious not to confound the slave-trade of the Mauritius with that of the Isle of Bourbon. In his opinion, the whole of the trade was now confined to the French in the latter island.

Mr. *Gordon* would vote for the bill, if it were postponed until 1828.

Mr. *Plummer* opposed the bill, and moved, as an amendment, that it be read a second time that day six months.

Mr. *Hume* was favourable to the taking off the restrictions from the trade of the Mauritius, but thought that the state of the West-India colonies should be considered also, and the duties unfavourable to those interests remitted.

The House divided: For the second reading 37; Against it 14. Majority 23.

HOUSE OF COMMONS.

Monday, June 6.

HINDOO WIDOWS—FEMALE IMMOLATION.] Mr. *Hume* rose, to call the attention of the House to a subject which, he regretted to say, had not been noticed in an earlier part of the session. He alluded to the government of India, permitting the practice of widows immolating themselves on the funeral piles of their husbands. He held in his hand a petition from Crail upon the subject; and it would be impossible for any member to give his attention to the subject without feeling a desire that an end should be put to so revolting a practice. He wished to know when the hon. member for Weymouth intended to bring forward his motion. The evil was of great magnitude. This practice was not enjoined by, or consistent with, the Hindoo religion; and it was the opinion of the best-informed persons, that an end might be put to it, without danger of any sort.

Mr. *F. Buxton* said, he had been restrained from bringing this question before the House, chiefly by the political state of affairs in India. He proposed to do so in the first week of the next session. He remarked, that in five years, there had been, in the province of Bengal alone, 3,400 females burnt on the funeral piles of their husbands. The real amount, in all probability, went far beyond the official returns. Gentlemen conversant with India had assured him, that the real numbers were nearer 10,000. He feared that the conduct of government had unintentionally promoted this wickedness. To say the least, the natives had not been made acquainted with the feelings of the British legislature, by any declared disapprobation of the practice. The police of the Indian government were required to attend the burnings; but they were directed not to interfere to prevent them. This was construed into a silent acquiescence in these abominations. Now, what rendered these facts the more melancholy was, that the practice itself was not absolutely enjoined by the Hindoo religion. Some of the most active of the local magistrates and judges had recorded their opinions, that the practice might be put a stop to by the mere expression of the will of the British government, and that the natives would be gratified with the change.

Mr. *Trant* said, that having had considerable experience in this matter, from a long residence in India, he could not refrain from giving some expression to his sentiments on this occasion. He observed, that Bengal exhibited a greater number of these sacrifices than any other province of India. It was, in fact, the chief seat of Hindoo superstition. Why it was so, he did not pretend to determine. But, sure he was, that it would be highly dangerous for the British government to interfere, with a violent hand, in any thing which concerned the religious rites of the Hindoos. He had himself known a native of that country, the most enlightened man of all the Asiatics he had met with. This person saw enough of the superiority of European education to induce him to have his children brought up in those schools. In a conversation which he had with this person upon the atrocity of these burnings, that man, clever as he was, had justified the practice, and said, "That is a point of our religion, and your government must not interfere with it."

Mr. *Wynn* thought it was highly desirable to put an end to such ceremonies, or if not, to check them as much as possible. But, it was a subject which must be treated with much caution and delicacy. In his opinion, no legislative measure could remedy the evil. Its abolition must be the work of time and circumstances. They must not think of legislating for India as if it were a confined district, to the inhabitants of which our laws, habits, and manners were perfectly familiar. If they wished to succeed, it must be by acting gently and progressively upon the feelings of the people; and this could only be done by the local authorities.

Sir *C. Forbes* said, that when lord Wellesley was in India, he might, with one stroke of his pen, had he not been restrained, have put an end to the practice. He applauded the government of that great man in India, which was nearly as perfect in mildness, wisdom, and firmness, as could be expected from the defects of our common nature. That nobleman had put a stop to infanticide, which was as stoutly defended on the score of superstition as this horrid practice of burning widows. The case had materially altered since then. The religious jealousies of the people had been awakened. Shoals of missionaries had been allowed to go in among them; and their feelings had taken a posture of hostility which before they would not have experienced. Still, he was of opinion that the British government would do well to compel the Directors, and through them the local authorities, to interfere. It was absurd to suppose that the love of life was less powerful in the bosom of a Hindoo woman than in any other person. The sacrifices were not voluntary. They were the effect of persuasions from the Brahmins and the relatives of the women. The miserable victims would be happy to take refuge under a law of the British legislature making it murder for any one to aid or abet these sacrifices. Until something of this kind was done, it would be in vain to expect the suppression of the abominable rites.

Sir *Hyde East* was convinced, that the sacrifices had been considerably increased by the repeated discussions in parliament on the subject. He attributed many of them to the growing jealousy which the natives entertained of the interference of government, and of the shoals of missionaries who had mingled with them. If these men merely preached the gospel, he would have no objection to their residence there. They might persuade the unfortunate widows that it was "better to marry than burn."

Mr. *W. Smith* said, that so far from thinking that parliament ought not to interfere, he felt convinced that nothing effectual would be done towards quashing this abominable idolatry by the local authorities, until they were compelled by law.

Mr. *Hume* said, that the hope of effecting the extirpation of these cruel rites by the mere disposition of the court of Directors, and their instructions to the local authorities, might be judged of from this fact—that from 1787 down to the end of 1820, there had not been one line, not even a word of disapprobation expressed by the Directors to those authorities. The first movement of the kind took place in consequence of the motion of the hon. member for Weymouth. He was convinced, that the business must be effected by a committee of that House. No half measures would do here. All that the government and the court of Directors had hitherto done, had only had the effect of legalizing the murders in the eyes of the natives. They ought first to inquire in a committee as to the safest and most efficacious means of suppressing them; and then to adopt a law for the peremptory enforcement of those means.

Sir *I. Coffin* said, that the readiest way to lose India would be to interfere with the superstitions of the people.

Sir *Hyde East* applauded the local authorities for their successful efforts in reducing the number of sacrifices.

Mr. *F. Buxton* was obliged to the hon. member for doing away in his second speech with the charge which he had made in his first. He had first charged him with increasing the number of immolations: in the second speech, their numbers were said to have declined considerably.

Mr. *Money* said, it was in the power of the government to suppress the practice without offending the native population. He referred the House to several instances, wherein the local magistrates had, by mere persuasion, prevented the burnings.

Ordered to lie on the table.

DUKE OF CUMBERLAND'S ANNUITY BILL.] On the order of the day for going into a committee on this bill,

Mr. *Brougham* said, he should propose an amendment, with a view of affording every member an opportunity of delivering his sentiments on this subject. It had been truly said on a former night, that there never was a question on which the general feeling of the country was more completely in unison with the opinion which the House had twice recorded, and which they were now in effect called upon to retract. The ground on which the question stood was simple, obvious, and capable of being stated in a very few words. They were not now called upon to consider the adequacy or the inadequacy of the provision formerly granted to the duke of Cumberland, but they were called upon, by an indirect, circuitous, and by no means a frank, candid, or honourable way, to rescind a former vote of that House. If any member thought that vote a wrong vote, he might have called upon the House to review its decision, and retrace its steps. That would have been a manly, candid, and honest way of proceeding. If any member still thought so, let him now, in God's name, stand up and say so. He doubted whether there was a member in that House who would do so. He had no doubt of the way in which the House would dispose of such a motion; but, if any hon. member took that course, it would at least be a fair, manly, and direct course. But, let not any man vote for a provision for the duke of Cumberland by a side wind. If no man had the manliness to attempt to get rid of the former vote in a plain, direct, and honest way, let not the House be ensnared into a reversal of their former decision, under the flimsy pretext of a provision for the child of the duke of Cumberland. He should move therefore, as an amendment, "that the House do resolve itself into the said committee upon that day six months."

Mr. *Coke* thought it was preposterous to demand an annuity of 6,000*l.* for the duke of Cumberland's child, when it was evident that the grant was intended for the duke himself [hear, hear]. He looked upon this proposition, especially when he considered the retainers and placemen by whom it was chiefly supported, as a direct insult on the House. As a representative of the county of Norfolk, he felt it right to raise his voice against this grant, which he was convinced was highly displeasing to the public at large. The duke had an abundant provision without this additional 6,000*l.* a-year. He should be grievously disappointed if the House voted this abominable, this insulting provision. He was sure they would not; but if they did, then should he be more than ever confirmed in the opinion, that this was a most corrupt House, and ought to be reformed.

Mr. *Davenport* thought the House would be guilty of gross inconsistency, if they now voted for a proposition which they had twice before rejected. This child for whom an annuity of 6,000*l.* a-year was asked, did not wear a cloak long enough to conceal the real object of the grant. He felt it is duty, on this occasion, to vote against his hon. friends on the Treasury bench, and he could not compliment them on their skill in military tactics, in having put the infantry in front of the battle [a laugh].

Mr. *H. Sumner* said, that if this vote were agreed to, he could look upon it in no other light than as a retractation of the votes given some years since. In opposing the present vote he felt a great degree of delicacy, because he was actuated by motives, the grounds of which he could not, with propriety, develope to those whom he now addressed. If the duke of Cumberland, chose to settle abroad, a grant might be made for the education of his son in this country. But, in that case, 2,000*l.* or 3,000*l.* a-year would be sufficient. But to give 6,000*l.* a-year, by a side-wind, to the duke of Cumberland, he never would consent.

Mr. *J. Benett* congratulated the House on the burst of honest indignation which this grant had excited. When he saw gentlemen of different political sentiments uniting on a question of this nature, it almost made him doubt the necessity of a parliamentary reform.

Sir *G. Warrender* said, that when the grant to the duke of Cumberland was before the House some years ago, he had thought that illustrious individual was very hardly dealt with. Much obloquy had been levelled at this royal duke; but he would say, on his honour and conscience, that those accusations which had been industriously circulated through the country were destitute of foundation. The duke of Cumberland and his duchess were at present enjoying the highest degree of domestic happiness and comfort [a laugh]. But laying aside the individual merits of that royal duke, it would be most unjust to deprive him of the fair provision to which he was entitled from his rank and station as a prince of the blood. His present allowance was by no means adequate to his support. Numerous applications were made to him, and large sums were distributed in charity; and, could any thing be more unreasonable, than that a young prince of the blood, who was likely to ascend the throne, should be deprived of a suitable education? It would be inconsistent with the feelings of Englishmen to separate the father from the son; and there could not be a worse lesson to teach the young prince, than that his first duty was to separate himself from his parents.

Sir *J. Sebright* said, let this question be placed on its true grounds, and what did the proposition amount to but this—to give the duke of Cumberland 6,000*l.* a-year—a proposition which the House had already resisted. It would, therefore, have been more manly in the government, to have brought forward the subject on its true grounds. He was anxious to maintain the dignity of the royal family; but he thought the provision which the duke already possessed, together with 3,000*l.* a-year which the duchess received from the king of Prussia, was quite sufficient. Although he did not think an objection on the ground of moral character was sufficient to prevent an adequate provision to the members of the royal family, yet it was a sufficient reason to prevent his giving them more than was necessary. He thought the vote bad in itself, and worse from the manner in which it had been brought forward. The royal duke appeared before them like an individual who requested the parish, in formâ pauperis, to enable him to maintain his own child. Oh, fie!

The *Chancellor of the Exchequer* said, that the proposition was not made on the ground that the present income of the duke was inadequate to his maintenance. He was quite prepared to justify the grounds upon which it rested. He had no hesitation in saying, that, if the circumstances were the same now as at the period when the question had been discussed before, any proposition to give the duke that which the House had twice before refused, would expose the government to all the reproach and hard language which gentlemen had dealt out to them; for it would be nothing less than calling on the House of Commons to rescind their former vote. But the circumstances were completely different. You gave 6,000*l.* a-year to the other princes; on their marriage. The duke of Cumberland had had two children since that period and yet you refuse to put him on a footing with his royal brothers. It was, of course, competent for the House to deal with the question as they pleased; but he denied that it was any outrage to the country, or any insult to the House for ministers to have proposed it. Although the hon. member for Hertfordshire did not ground his opposition altogether on the personal character of the duke, yet the member for Surrey had done so. Now, amidst all the insinuations which had been thrown out on this subject, he never had been able, for the soul of him, to discover on what point it was that gentlemen really founded their opposition. He could perceive no circumstance which could induce the House to refuse this grant, which might not also be put forward as an argument for depriving the duke of that income which he at present enjoyed. He thought the House would be acting unreasonably, nay, unjustly, if they did not agree to the proposition.

Sir *J. Sebright* said, his expression was, that where only a necessary provision was called for, he would not look to the personal conduct of the individual; but that where more was demanded he certainly would.

Mr. *T. Wilson* said, he would vote for the grant, on the ground of confidence in the government. Here was a prince born, in whom they must all take a deep interest; and he conceived that every means should be afforded for his proper education.

The House divided: For the amendment 113; Against it 143: Majority against the amendment 30.

List of the Minority.

Abercromby, hon. J.
Acland, sir T.
Allen, J. H.
Baring, A.
Bennett, J.
Bernal, R.
Bernard, T.
Birch, J.
Blake, sir. F.
Bright, H.
Brougham, H,
Burdett, sir F.
Buxton, T. F.
Calcraft, J.
Calcraft, J. H.
Calvert, C.
Chaloner, R.
Chetwynde, G.
Coffin, sir I.
Coke, T. W.
Coke, T. W. jun.
Colburne, N. R.
Corbett, P.
Creevey, T.
Crompton, S.
Davenport, D.
Davies, T.
Denison, W.
Denman, T.
Drake, T. T.
Drake, W. T.
Dundas, C.
Dundas, hon. T.
Ebrington, visct.
Ellice, E.
Ellison, C.
Evans, W.
Fane, J.
Fergusson, sir R. C.
Fitzroy, lord J.
Foley, J. H. H.
Frankland, R.
Gaskell, B.
Glenorchy, visct.
Gordon, Rt.
Grant, J. P.
Grattan, J.
Griffith, J. W.
Guise, sir B. W.
Hamilton, lord A.
Heron, sir R.
Hobhouse, J. C.
Hume, J.
Hurst, R.
Ingleby, sir W.
James, W.
Johnstone, col.
King, hon. H.
Knatchbull, sir. E.
Knight, R.
Lamb, hon. G.
Langston, J. H.
Lester, B. L.
Leycester, R,
Lloyd, sir E.
Lushington, S.
Macdonald, J.
Mahon, hon. S.
Marjoribanks, S.
Martin, J.
Maule, hon. W.
Maxwell, John.
Monck, J. B.
Mostyn, sir T.
Newman, R. W.
Normanby, visct.
Ord, W.
Osborne, lord F.
Palmer C. F.
Parnell, sir H.
Pelham, J. C.
Phillips, G.
Phillips, G. H.
Poyntz, W. S.
Pryse, Pryse.
Pym, F.
Rice, T. S.
Rickford, W.
Robarts, A. W.
Rowley, sir W.
Rumbold, C.
Scarlett, J.
Scott, J.
Sefton, earl of
Smith, S.
Smith, W.
Smith, hon. R.
Sumner, H.
Sykes, D.
Tavistock, marquis
Tennyson. C.
Tierney, right hon. G.
Townshend, lord C.
Tremayne, J. H.
Western, C. C.
Wharton, J.
Whitbread, S. C.
Whitmore, T.
Williams, W.
Williams, sir R.
Williams, J.
Wood, ald.
Wrottesley, sir J.

TELLERS.

Duncannon, lord
Sebright, sir J.

On our re-admission to the gallery, the House being then in a committee on the bill, we found

Mr. *Brougham* on his legs. He said, that there was upon the face of the bill an evident inconsistency, inasmuch as it pretended to have one object, and was calculated to accomplish another. It proposed to provide for the education of the prince of Cumberland, and it secured an annuity of 6,000*l.* to the duke of Cumberland for his life. The hon. baronet (sir C. Forbes), who had addressed the House at a period when, of all others, it was most convenient for those who favoured the duke of Cumberland to express their opinions [the hon. baronet spoke after the gallery had been cleared, and before the division took place], thought that sufficient justice could not be done to his royal highness, unless he was paid up all the arrears of the annuity which the House on a former occasion refused to grant him. The duke, he had no doubt, would, without hesitation, accept the hon. baronet's generous offer; and nothing, he dared say, could be more grateful to his feelings. But ministers were not affected by the enthusiasm which had so far led away the hon. baronet. They proposed that the annuity should only be paid henceforth, and that it should be continued from this time as long as his royal highness's life should last. There was a provision in the second clause, which limited the payment of the grant of the duke on condition that the prince should live in England, unless the king should give licence to reside abroad. This was the notable manner in which the framers of this bill had introduced it to the House. He, however, wished to give the committee an opportunity of doing properly and fairly that which it was pretended this bill was to accomplish. If there was any gentleman who thought that the duke of Cumberland could not educate his son on 18,000*l.* a-year, he would give him an opportunity of voting for the means of educating him. He would propose that a sum should be given to the king, who was by law intrusted with the care of all the branches of the royal family. He would give his majesty, by a legislative enactment, an ample sum, a sum more than enough to educate the young prince, even if he were the son of the richest nobleman of this country. He would propose to give him 3,000*l.* a-year, providing that the king should employ this money for the education of the prince. He would give this sum to the king, who now had a legal authority over the prince, and whose ministers were responsible, in whom the House could trust, because over them they had some control, while they had none over the duke of Cumberland, who resided abroad, who was irresponsible, and over whom they could have no control. He would give the king 3,000*l.* a-year for the education of this child; and if that was not liberal he did not know what was. The duke of Cumberland was sufficiently provided for; and, by adopting this course, they would provide for the education of the young prince, without violating a constitutional principle. He would therefore move, that the name of his majesty should be inserted in place of that of the duke of Cumberland; and that the sum of 3,000*l.* per annum should be granted to the king during the life of the young prince of Cumberland.

Sir *C. Forbes* said, the learned gentleman had thrown out an insinuation, as if he had said that with closed doors, which he would not say with the doors open. He was ready to acknowledge that he spoke to the House, and not to the newspapers; and he thought, if that mode were generally adopted, the House would have shorter speeches and more business. If the learned gentleman meant, however, that he had taken an opportunity of saying with the doors shut what he would not say with open doors, he would say for himself, that he was as incapable of doing that as any member of the House. In his opinion, the duke of Cumberland would not have justice done him unless he received all the arrears of the 6,000*l.* a-year. Charges had been insinuated against the duke, which no hon. member would make against any person in that House: let them be openly stated, and he had no doubt the duke would answer them. But, the very persons who now made these charges, were the duke to be called to the throne, would be ready to profess themselves his most devoted humble servants. He had no personal acquaintance with the duke. His vote and his opinions were wholly dictated by public grounds.

The *Chancellor of the Exchequer* said, he had stated, that it was bonâ fide the intention of government that the prince should be educated in England, and he had given a proof of the sincerity of this statement, by shewing that he was prepared for introducing into the bill a clause for this purpose. With the same view, he felt no indisposition to insert in the grant that it was to be confined to the minority of the young prince; for the government had no wish to confer an annuity for life on the duke of Cumberland of 6,000*l.* a-year. It was not inconsistent, therefore, with the views of ministers, to introduce into the clause words confining the grant to the minority of the prince. It was impossible to accede to the proposition of the learned gentleman, not to give the money to the duke of Cumberland, but to his majesty. If it was fit to give any sum for the education of the prince, it was not fit to deprive the father of all control over the education of his child. If the money were given to the king, the duke would lose all control over his child, and it would be ten thousand times better not to give the money at all, than to give it under such conditions. It was difficult to show that 6,000*l.* was necessary for the purposes of educating the prince; but it would be as difficult to show that any other precise sum was necessary. If a less sum were given, and the duke were to live abroad, it might make it impossible for the young prince, who was to be educated in England, to visit his father, and thus all intercourse between them might be cut off.

Mr. *H. Sumner* disclaimed all intention of expressing any hostile feeling towards the duke of Cumberland, or of throwing out any insinuations against him. He would, however, support the amendment.

Mr. *Brougham* contended, that as the law now stood, the power was vested in the king, of controlling and directing the education of the prince, and that giving the sum he had proposed to his majesty, would not alter the law. The children of prince George were taken from under his control in the reign of George 2nd, and ten out of twelve of the judges then held that this was agreeable to the law of the land, on the ground, that the king had the control over all his issue, as long as they were minors. The late king also had exercised a control over the education of the princess Charlotte. She was taken from the mother, not from the paternal right being stronger than the maternal, but from the king's power extending to all his offspring, of which he was to have the custody. The clause he proposed, did not alter the law, nor imply that the king should exercise the right of directing where the prince should live, any more than he did under the present law. He prayed the House to consider what they were about to do. Their avowed object was to provide for the education of a prince; and he would provide for it in a manner worthy of a prince; but he would provide for it in a constitutional manner. He would give the means to ministers who could not divert a shilling of it from its destination, rather than to the duke of Cumberland, who might employ it to pay debts contracted abroad, or to pay annuities which he had granted at home.

Mr. Secretary *Canning* said, that the proposition made by the chancellor of the Exchequer was so fair and liberal, that he did not see upon what grounds the House could refuse to concur in it. He had stated, that the purpose of the grant was solely for the education of the son of the duke of Cumberland, and that in order to make this more secure, he would consent to the introduction of any words which would suffice to render that intention more clear. It was difficult, perhaps impossible, to say what degree of confidence or distrust was to be exercised towards the father in that child's education, without entering into a subject which was at once painful and delicate. It would be inexpedient, on all accounts, to do this. The persons who thought thus must give effect to their opinions by their vote; for nothing in the course of the discussion could be expected to turn them. But it was at the same time not to be expected that those who avowed no such distrust of the duke of Cumberland,—nay, more than distrust, dislike—nay, more than dislike, persecuting detestation; should conform to the opinions of others. What might be the ground for those hostile feelings, he could not pretend to say; but those who voted for taking the education of the son out of the hands of his father, and for diminishing the amount of the allowance, were only bringing to the test the opinions which had been so lavishly avowed towards the duke of Cumberland. The justice of those opinions was not a fit subject for discussion in that House. Every man must act as he pleased, and it was in vain to attempt to combat by argument what had not been fairly brought forward as substantial objections. Beyond the concessions which the government had already made, it was impossible to go. His majesty's ministers had no right to inflict upon the duke of Cumberland an opprobrium, which, if he could have deserved, they would have forgotten their duty to the country in bringing his name before the House [hear, hear]. So far as security for the due application of the money went, the House had a right to require; but, to enter into the subject beyond this, would be most unjustly to stigmatize the illustrious person who was so intimately concerned in it.

The House divided: For the Amendment 114; Against it 152: Majority 38. The House having resumed,

Mr. *Brougham* rose, just to submit, that whatever might be the case with respect to the decisions of the House, it would be no breach of privilege to comment upon the conduct of a committee. Then, having a right to observe on what had passed, he did feel himself bound to declare, that there never had been a vote, in his opinion, passed by any committee less calculated to raise that committee in the estimation of the country, than that which had just declared in favour of giving 6,000*l.* a-year more to the duke of Cumberland. For it was nonsense to talk of this grant being made to the prince of Cumberland. It was a gift directly to the duke—an allowance, not of 6,000*l.* annually for the education of the son, but of 5,000*l.* annually for the expenses of the father. This was the true state of the transaction, and the only light in which the people of England would look at it to-morrow morning. They would be aware that a committee of the House of Commons, with its eyes fully opened by discussion, had, in its deep respect for the duke of Cumberland—in its esteem for his high public and private character—an esteem, no doubt, perfectly well-grounded, but in which they themselves did not entirely share—that it had preferred granting that illustrious prince 6,000*l.* a-year; that was to say, 5,000*l.* for his own use, and perhaps, 1,000*l.* for the education of his son —to giving him 3,000*l.* a-year only, which, after paying for that same education, would have added 2,000*l.* a-year to his existing income. Now, for himself, he wished the committee joy of its vote with all his heart; and he hoped that the members would live long—that was to say, the rest of the present session, and all the next—to take the benefit of it. When, at the expiration of that time, too, they returned to their constituents—he meant such of them as had any constituents—he hoped that they would still further reap the fruits of their glorious triumph that evening over constitutional principle, common sense, consistency, and honest, plain, direct, and manly feeling. One word more only, upon what had fallen from a right hon. gentleman opposite, who, in the warmth of his eloquence and the weakness of his case, had said something about a "persecuting detestation" towards the duke of Cumberland. As regarded his own feelings, he would merely observe, that in all his life, he had never had the slightest communication with the illustrious individual in question. On a former occasion, so far from entertaining any desire to do or say that which might be unpleasant, it had been his fortune to differ from several gentlemen on his own side the House; among others, from the right hon. the President of the Board of Control, who then sat on his side, and to have exhibited at least so much toleration as to have objected to the introduction of the duchess of Cumberland's name in the way in which it had been given to the public, and to have defended the conduct of that lady as far as it was known to him. As for any supposed quarrel between the duke of Cumberland and the Whig party, the House had been reminded that the duke had once joined the "No Popery" cry, and that he had "never changed his opinions." Why, the fact was, that his royal highness had so completely altered his feeling towards the Whigs, and had shown so much courtesy to several gentlemen distinctly introduced to him abroad as of the Opposition party, that there were honourable members sitting round him who had actually felt a doubt how far, if any personal question arose with respect to the duke of Cumberland, they could, pleasantly, take part in it. From a sense of public duty, therefore, it was, and not from any private rancour, that he opposed the vote before the House; thinking, as he did, in his conscience, that it was the most unjustifiable job that he had ever seen attempted. In case the House should still feel inclined to take a more prudent course than it was now proceeding in, and to grant the 3,000*l.* a-year, subject to the control of ministers, he now gave notice that, on the coming up of the report, he would move an amendment to that effect. In saying this, however, he desired distinctly to add, that he considered the grant as unnecessary altogether, and that he should certainly oppose it, in toto, in all its other stages.

Mr. *T. Wilson* complained of the freedom with which the learned gentleman had attacked the committee, and thrown dirt upon every individual who had voted for the grant. He would tell the learned gentleman that he felt himself perfectly justified in having so voted with members whom he thought as wise, as honest, and as patriotic as the learned gentleman himself.

Mr. *Brougham* assured the hon. gentleman that he did not allude to him in what he had said; because he thought him the wisest, the honestest, and the most patriotic individual upon that side of the House.

The report was ordered to be received to-morrow.

HOUSE OF LORDS.

Tuesday, June 7.

Law of Merchants Bill—Principal and Factor.] The Earl of *Liverpool* rose, to move the second reading of this bill. In the first place, he wished to call their lordships' attention to a petition in favour of the alteration in the law now proposed to be made. That petition was signed by almost all the respectable merchants of the city of London—by persons who represented every kind of commercial interest; so that there never had been among merchants a more general concurrence in favour of any measure. It was now his duty to call their lordships' attention to the question which this bill involved. The subject was somewhat abstruse, and to a person who, like himself, was little acquainted with the details of commerce, presented some difficulties. He should, however, endeavour to state as briefly as possible the general grounds on which he wished to recommend the bill to their lordships' consideration. It was to be expected, in the present state of the trade of this country, that many cases would arise, in which the operation of laws enacted at an early period would prove embarrassing—laws which, however proper and politic in their origin, had become totally incompatible with the present complicated state of commerce and society. Nevertheless, in any alteration of the law, their lordships would take care not to give their sanction to any thing inconsistent with the general principles of equity, or the existing relations of commerce. With regard to the law of merchant and factor, if the mere principle of the contract of these parties with each other were considered, there could be no doubt that the agent ought to be bound to the principal: but, a new question arose as to the interests of a third party. The transactions of this kind of trade were not now confined to the single act of merchants delivering goods for sale into the hands of their known factors. Almost the whole commerce of the world was now carried on by commission. The state of trade rendered it impossible for any person in a foreign country to do more now than to make a general consignment of merchandise, which left to the discretion of the agent or factor to determine when he should bring the goods into the market; and if it should not be a proper time for throwing the article into the market, it was often necessary that he should be able to raise money upon it by pledge. There was no doubt that the factor was bound by the instructions he received from his principal. But here came the difficulty with respect to third parties. The factor proceeded to raise money on the goods intrusted to his charge. What could the third party know of the state of the case? Was the person who negotiated for money on the goods the owner or an agent? If the latter, were his instructions limited or unlimited? This he had no means of ascertaining. He would, of course, know that money was to be raised on the goods; but there was no possibility of his knowing any thing more of the ownership than the fact of possession, unless the possessor chose to make disclosures to him. Now, supposing fraud or bankruptcy, was the loss to fall on the principal, or on the pledgee who might have advanced money on the goods? It was said, that if the factor's instructions were merely to sell, he could not pledge; and that in the case of his pledging the loss ought to fall on the pledgee. Such was the state of the law. But, that the loss should so fall appeared to him to be wrong on four grounds:—1. It was contrary to the principles of natural equity. 2. It was contrary to analogy. 3. It was contrary to opinions delivered on the law by very high authority. And 4. It was in opposition to the state of the law in other countries. He thought their lordships would readily admit, that the liability of the third party was contrary to the principles of natural equity, because the pledgee had not, in many cases, the means of knowing any thing more than the fact, that certain goods were in the possession of an individual who wished to raise money upon them. He might have little or no knowledge of the character of the factor, and act on the presumption, that there was no fraud: but it might be assumed, that the principal was well acquainted with the person he employed as his agent: he must have a control over him: he could limit or restrict him, or deprive him of all authority to act. A principal, doubtless, might be defrauded by a dishonest agent; but still it ought to be recollected, that the principal must know his agent, had a power over him, and stood with respect to him in a very different situation from the pledgee. The person who advanced money saw nothing, probably knew of nothing, but the goods; and therefore, upon every ground of equity, if there was a loss, it should fall upon the principal or the agent, and not upon the pledgee. The present state of the law made a distinction between possession and title to merchandise; but, he did not see how it was possible for trade to be carried on, if possession were not allowed to be primâ facie proof of title. The petition on the table prayed, that this might be the law; and the greater part of the commerce of London, and two-thirds of the foreign trade of the country, already rested on this principle of general equity. He had also said, that a change of system was recommended by analogy. In support of this opinion he would refer to money transactions. With respect to Exchequer bills, and indeed bills of every description, the principle of protecting the pledgee was sanctioned by law. If any person consigned Exchequer bills to another, who pledged them to a third party, there was no doubt that the pledgee had a right to the property. Therefore, with regard to all kinds of money securities, the law made possession equivalent to title. He did not see why the same protection should not be given to the pledgee in all commercial transactions as was already given with regard to Exchequer bills, bills of exchange, and other money securities. He came now to the point of authority. The first decision which led to the course now acted on being considered law, took place in 1742. Here the noble earl entered into the history of this case, and others which had more recently taken place, and quoted the opinions of lord Ellenborough, and Mr. Justice Le Blanc, who had regretted that the law should be as it now stood. To these two opinions he referred as sufficient authority for altering the present state of the law. He came now to the last point of consideration, which was, that the law, as it now stood, was contrary to the state of the law on the same subject in other countries. That where there was no fraud on the part of the lender, the principal should suffer for the acts of his agent, was a principle not only recognised and enforced in every other country of Europe, but uncontradicted by the law of any country, except that of England, and the United States of America, who had borrowed their laws from England. The protection he proposed to afford to the pledgee was even at this moment the law of Scotland. On these grounds he recommended the adoption of this bill, convinced that it was founded on principles of justice and equity.

The bill was read a second time.

EQUITABLE LOAN BILL.] Counsel were called in, and Mr. Harrison resumed his argument on behalf of the promoters of the bill. When counsel had concluded, a conversation ensued between their lordships on the question, whether evidence should be heard on the part of the Equitable Loan Company, to prove that the tendency of the Company's operations would be beneficial to the public, and that the conduct of the pawnbrokers was such as required to be counteracted by a more humane society.

The *Lord Chancellor* thought that the first question to be disposed of was, whether this company was a legal company or not. It was confessed on all hands, that its legality could not be supported before it had executed the deed of partnership. It was still a question whether the execution of that deed made it legal. If it was not legal, their lordships, by hearing evidence of its utility, would acknowledge that on that ground they were about to make a law, granting privileges to an illegal body, to enable it to serve the public. It was a totally different question whether, if they applied to be made a legal body, the House would agree to a bill for that purpose. They assumed that they were a legal body in coming before the House, and on that ground they asked the privilege of suing and being sued by their officers. Their lordships ought, therefore, first to determine whether this pretension was founded in truth. With regard to the hearing of evidence against the conduct of the pawnbrokers, an objection of another kind might be started. Suppose they could prove that twenty or fifty London pawnbrokers had misconducted themselves, would that enable their lordships to decide upon the rights of the rest? And, suppose it did so with respect to the London pawnbrokers, would the rights of the other pawnbrokers all over England be affected by the decision without being heard in their own defence? If so heard, when would the proceedings on the bill terminate? Their lordships might be sitting examining evidence on that day twelvemonth. He was of opinion that the legality of the body who promoted this bill must be proved, before evidence could be heard as to its utility.

The Earl of *Lauderdale* concurred in this opinion.

Lord *Dacre* thought, that by proving its public utility, it would establish a claim to the privileges which it solicited.

Mr. Fonblanque, the recorder of London, and Mr. Andrews, were then heard on the part of the pawnbrokers. After which a conversation ensued between their lordships, on the course which ought now to be pursued.

The *Lord Chancellor* gave it as his opinion, that the evidence tendered on the part of the company ought not to be received.

The Duke of *Atholl* said, he hoped that something might be done for the poor, whose interests the bill professed to consult. It might be liable to objections, but its object was benevolent. He could not concur in the coarse charges thrown out against its supporters, in which they were treated as little better than swindlers. He had looked at the names subscribed to the deed, and he found them honourable. In proposing to reduce the interest of money lent on pledges to the poor one half, they would do a public service.

The Earl of *Lauderdale* said, that the company did not propose to lower the interest on their advances so much as the noble duke had stated. He, likewise, had looked over the names of the subscribers; and he could cite two foreign gentlemen for whose respectability, probably, the noble duke would feel a little difficulty in vouching, who owned more of the stock than the whole Board of Directors.

The *Lord Chancellor* informed the counsel that the evidence tendered to prove the beneficial nature of the company could not be received. He then asked the counsel for the bill, whether they were prepared to produce the deed to prove the company a legal body; it being understood that if they did not, they must take the consequence.

Counsel, having hesitated, were allowed till five to-morrow to decide.

HOUSE OF COMMONS.

Tuesday, June 7.

CONSTITUTION OF COMMITTEES ON PRIVATE BILLS.] Mr. *Littleton* said, that after all they had lately heard respecting the conduct of Committees on Private Bills, he was satisfied the House would receive favourably any attempt to remedy so great and so universally admitted an evil. With that view, it was his intention to submit to the attention of the House a measure, which he thought would place the private business of the House upon a footing favourable to the House itself, and advantageous to the interests of the country [hear, hear!]. He would, therefore, move, "That a Select Committee be appointed to consider the constitution of Committees on Private Bills, and to report their observations and opinion thereon to the House."

Mr. *S. Bourne* seconded the motion. He considered that the great fault of Private Committees was their being so numerous. He trusted that in future they would more resemble juries of the country, sitting to decide on the rights of their fellow-subjects.

Sir *I. Coffin* thought a rule ought to be made, that no member should vote in any committee, who had not attended the whole of the discussion.

The motion was agreed to.

WRITS OF ERROR BILL.] Mr. Secretary *Peel* said, he rose to move for leave to bring in a bill for the purpose of placing obstructions in the way of parties suing out frivolous writs of error. Under the existing practice, it was open to parties against whom a judgment was obtained, to sue out a writ of error, in order to supersede the judgment, or to gain delay. It would be found, that in the years 1817, 1818, and 1819, the number of writs of error sued out of the Court of King's-bench into the Exchequer chamber, amounted to 1,197. Of these writs, there were 158 on which no proceedings had been taken. There were 702 where the judgments were affirmed; and 336 where the proceedings were very soon abandoned. Moreover, of these 1,197, there were only 9 on which any argument was heard, and only one case where the judgment was reversed. The House would learn with surprise, that a delay of twelve months was given to the administration of justice. This was a most monstrous evil. By the act of James 1st a temporary obstruction was given to the practice, by making the parties who sued out these writs, be bound in double recognizances to prosecute the same. It was his intention to adopt the same measure, and to apply it to all writs, from whatever court issuing. He moved for leave to bring in a bill for that purpose.

Leave was given to bring in the bill.

DUTY ON SOAP AND TALLOW.] Mr. *Sykes* rose, to call the attention of the House to the Duty on Soap and on Tallow Candles. He was quite ready to confess his concurrence in the general principle of the financial arrangements for the year. It was by no means his intention to disturb those arrangements. All that he required the House to do was, to agree to a pledge, that whenever circumstances would permit, they would reduce the duty to which he had alluded. He really felt that he could not go down to the country without being able to tell his constituents that something, however little, had been done by parliament to relieve their burthens. If he were to tell them, that the duty on wine had been diminished, they would answer "The poor drink no wine." If he were to say, that the duty on spirits had been reduced, they would reply, "We have no wish to burn up our livers; give us clean hands and clean linen; and we leave to others red noses and bloated bodies." It had always been the opinion of the wisest statesmen, that those taxes ought to be the soonest repealed which pressed most on the industry of the people. The duty on salt and leather had been diminished, because those articles were necessaries of life; but the duty on soap and candles still remained, although the expediency of repealing them rested precisely on the same grounds. It was one of the great vices of all taxes of this kind, that a much larger sum was wrung from the consumer than went into the Exchequer. The expense of collection and the mode of collection were both evils; but the greatest evil of all was the encouragement which the high duty gave to contraband trade. Smuggling was an evil which it was especially incumbent on the legislature to repress; and in no article did it exist to a greater extent than in those to which he had alluded. The smuggling system was "monstrum horrendum, informe, ingens"—he could not add, "cui lumen ademptum," for no being could be more quick-sighted than the smuggler. When it was considered that the duties on soap amounted to 120 per cent, it was evident that the temptation to smuggling must be irresistible. He had declared it to be his conviction, that the revenue was deprived of above a million a-year by the contraband dealing in soap. In the last year, notwithstanding the increasing luxury, and the consequently increasing consumption of the article, there had been a positive decrease in the amount of the duty on soap. The last annual receipt had fallen short of that immediately preceding it by 3,260*l.* He read a statement of the amount of tallow imported, and the amount on which duty was paid; proving that 53,000 tons remained unaccounted for to the Excise. If 13,000 tons were deducted for the greasing of wheels, machinery, &c., that left 40,000 tons still deficient as to revenue. The duty on soap was 3*d.* a pound; that on candles 1*d.* Supposing the fraud on the revenue were equally divided, and that 20,000 tons of the tallow thus escaping the Excise were employed in making candles, and 20,000 in making soap, the result would be, that the revenue would be defrauded of the duty on a million pounds. Thus, as was the case with all duties on articles of necessary consumption, the price of the article was raised to the people, while but a small part of that increase went into the Exchequer. The duty on soft soap was not so high as on hard; but, it was of that kind which was the most impolitic; the greater part of it being returnable on allowances. The nett receipt of this last-mentioned duty was 38,000*l.* Now, was it worth while to continue a duty, the produce of which was so small? He should propose, therefore, the total repeal of this duty; and that the duty on hard soap should be reduced one half. He was sure that the smuggling system would never be defeated, unless this reduction in the duty were to take place. With respect to the duty on candles, every consideration proved the impolicy of keeping it at its present rate. Although not so high as the duty on soap, it pressed very heavily on the people. By the invention of gas, the use of wax, and other means, the upper ranks felt this duty very slightly. But, it was severe on the poor man. A large proportion of the labour of the country was performed by candle-light; and a poor man, who earned probably not more than eighteen-pence a day, had a penny or three half-pence to deduct from his earnings for candles. Dipped candles, which were used by the poor, paid more, in proportion to their value, than mould candles, which were confined to the consumption of the higher classes; for the duty was equal on the pound, while the price of the one was 1*s.* a pound, and that of the other only ten-pence. An injurious distinction was thus made between the different classes of the community; the higher orders paying a lower duty, and the lower orders paying a higher duty. If he had made out his case, he thought he had a right to call on the House to declare, that, in the next session, they would take the expediency of reducing those duties into consideration. He wished to be able to state to his constituents, that the House had come to such a determination. A man distinguished for his learning and probity, who once represented the town which he now had the honour to represent—he meant Andrew Marvel—used to correspond with his constituents every day of his life, informing them of his efforts to reduce their burthens. He (Mr. Sykes) could not boast of such diligence, but he visited them once a year. But how should he be able to face those constituents, if he was unable to inform them of any step which had been taken throughout the session, to diminish the burthens under which they laboured? The hon. gentleman concluded by moving, "That it is expedient, early in the next session, or as soon as the financial state of the country will admit, that the duty on Soap and Tallow Candles be greatly reduced."

The *Chancellor of the Exchequer*, in answer to what the hon. gentleman had said of the expediency of diminishing taxation, would observe, in the first place, that taxes to the amount of 1,500,000*l.* had been taken off in the present session. Various arrangements had also been made of a fiscal description, which, although not very important in themselves, had contributed to relieve the community. Nor should it be forgotten, that propositions had been made by several hon.

gentlemen for the reduction of taxes, to which propositions the House would not agree. When it was recollected, that propositions for diminishing the duty on spirits and the duty on tobacco, as well as for the repeal of the assessed taxes—all bearing on what might be called the necessaries of life—had been rejected, he could not conceive that the House, by agreeing to the present motion, would turn suddenly round on its own decisions. He also confessed that he objected to the mode in which the hon. member proposed the measure. It was not to be immediate, but prospective. It was to take place in the next session, "if the state of the revenue would permit it." This was a conditional proposition, liable to a variety of interpretations; and which, therefore, could not be adopted without inconvenience. He did not deny the abstract principle on which the hon. gentleman rested his argument. He knew very well that a duty so high as to be disproportionate to the price of any article, was a temptation to practise fraud on the revenue. But, he denied that, in the present case, the evasion of duty had been extensive. It was certainly true that the produce of the last year had been 3,000*l.* less than the produce of the year preceding; but really the defection of so small a sum in an amount of 1,200,000*l.* was not a subject of grave moment. In the year 1814, the duty was taken upon 78,000,000*lbs.*, and in 1824, it was taken upon 109,000,000*lbs.* This increase of nearly half, in ten years, was a proof that the tax upon tallow had not had the effect of preventing its consumption. The tax on candles was one penny a pound, and the price was 4*s.* 11½*d.* a dozen pounds; to say, therefore, that the tax was a desperate grievance, was to overstate the case. It was quite evident, upon a consideration of prices, that the tax had nothing to do with the subject. In 1814, dipped candles sold at 11*s.* 2*d.* per dozen pounds; the price was now only 4*s.* 11½*d.* Whether a poor man got his candles cheaper from the retailer, he could not say; but it was clear that the tax was not the cause of any dearness of price. On these grounds, he should oppose the motion.

Mr. *Hume* complained, that the chancellor of the Exchequer had mis-stated the data of all the calculations he had just been making, and of the inferences which he had drawn from them. The right hon. gentleman would find it very difficult to purchase his dipped candles at 4½*d.* a pound. The duty amounted to 20 per cent. The right hon. gentleman might talk of this as a mere trifle, but few persons who had to pay the tax, would consider it in that light. This tax pressed upon the poor precisely in the ratio of their industry; for the mechanic who was the earliest in the winter mornings, or the latest in the evenings at his workshop, felt the tax the most. It was important that the absolute necessaries of life should be brought to the market at the lowest rate. The right hon. gentleman had also mistaken the argument upon soap. His hon. friend had justly said, that every tax was objectionable which drew from the pockets of the people a greater sum in proportion, than was eventually paid into the Exchequer; and in this case the fact was clear, that where the Exchequer gained one penny, the consumer paid two pence. Another reason for the reduction of this tax was its unequal operation upon the poor artizan who had to work at night. What better tax could be selected for repeal, than that which went to relieve the poor man from an inequality of burthen. If the duty was reduced, the increased consumption would more than make up the difference to the Exchequer. He could not agree with the hon. mover, in the propriety of postponing his object until the next session; the reduction ought to take place at once.

Mr. Alderman *Wood* put in a strong claim for the proposed measure, on the part of the Cornish miners, who were obliged to work day and night by candle-light. If the right hon. gentleman could throw away 6,000*l.* a-year upon a grant to the duke of Cumberland, he ought to remember, that the amount was paid out of the pockets of the labouring classes.

Lord *A. Hamilton* bore witness to the extent of the illicit trade, in consequence of the tax upon tallow. The tax was also extremely objectionable, from the disproportion between the sum levied, and the amount paid into the Exchequer.

The motion was negatived.

DELAYS IN THE COURT OF CHANCERY.] Sir *F. Burdett* moved, pursuant to notice, "That an humble address be presented to his majesty, that he will be graciously pleased to give directions that there be laid before this House, the evidence already taken by the commissioners for inquiring into the practice of the court of Chancery."

Mr. Secretary *Peel* said, he would briefly state the reasons which induced him to oppose the proposition. He resisted it solely upon public grounds, and without the intervention of any personal feeling. He hoped that the time would come when the whole of the evidence taken by the commissioners might be laid upon the table; for a report of opinion merely, without accompanying testimony, would certainly not be satisfactory. If the inquiry could be concluded in the present month, it might be presented, but not printed until next session. He believed it was without precedent for the House to call upon the Crown to present evidence merely, unaccompanied by any explanation or report of opinion; and unless some strong ground were laid, he should consider it an unnecessary interference with the course of proceeding marked out by the Crown, and not yet completed. He contended that no public object could be gained by complying with the motion. If the evidence that had been taken could be laid upon the table, no public measure could be founded upon it this year. The commission had sat 70 days, and had examined 45 witnesses; so that some time must elapse in copying out that evidence in a state to be presented to the House. When presented, it must be printed; and when printed, it could not be weighed and digested in a moment; so that the adoption, or even the proposition, of any measure founded upon it was out of the question. He considered the inquiry as a most important one, and he utterly disclaimed any opposition founded on the mere purpose of preventing investigation. Indeed, it was his hope, that before long some efficacious remedy would be proposed for these delays; which, without attributing the slightest personal blame to any individual, he could not but confess, as an honest man, was highly necessary [hear, hear!]. It was his belief, that the report of the commissioners would be produced very early, and that it would prove to be ample in every particular of a case which centered within itself such immense importance. He had had very lately a communication with the noble and learned individual, who might, perhaps, be supposed to feel most interested in the question; and he could assure the House, that he found, on the part of the lord chancellor, no objection to any inquiry, and he had every reason to expect, from all that had been said, that a very full report, together with the evidence, would be presented before parliament could meet again. He hoped he had succeeded in satisfying the hon. member for Westminster, that it would, in the present instance, be better to wait to see what proceedings the commissioners had themselves instituted, and how much was already done; for even supposing the present motion was carried, it would be two or three weeks before the evidence could be printed; so that there would be no time left in the present session, to undertake anything in; besides which, in his opinion, any such proceeding would be a virtual supersession of the commission already appointed; not that he had any objection to the House, or the public at large, seeing what had been done by the commissioners, but considering the importance of their exertions, and that in the 70 sittings that they had had, every one who chose to give evidence was allowed to do so, tell how it would, he could not help thinking that, though there had been more delay than had been expected, the very best effects would be produced from their inquiries. On these grounds, and under the persuasion that the carrying the present motion would rather prejudice than forward the operations, he should give it his decided, but reluctant, opposition.

Sir *F. Burdett* observed, that so long a time had elapsed since the commencement of these inquiries, that it became highly important that something should be done. The object that he had in view was, that another year should not be wasted without any thing being done. He did not mean to impute any blame to the commissioners; for he felt that their time was so much occupied with extraneous matter, that it was impossible for them to devote themselves sufficiently to the inquiry. But, when he said that, he must add, that he had not expected any thing at their hands; more especially when he found the lord chancellor at their head; who, he must say, without intending to impute any sinister motives to that learned lord, appeared to him to be the unfittest person in the world to place at the head of a commission to inquire into evils which for so many years he had seen growing under his eye, and which, therefore, he would be the less likely to consider as evils at all. But, he had, moreover, understood, that the powers of those commissioners were extremely limited, by no means going to the root of that evil. They went to the investigation of the practices of subordinates in this court; but not of the construction and nature of the court itself. Now, since the committee had been so long employed in collecting information, it was matter of extreme propriety that the House should be made acquainted with their proceedings. The evils to be inquired into were so extensive, so universal, that there was hardly a family which, at some time or other, had not been prejudiced by their baneful operation. The right hon. gentleman had expressed his anxiety to see some efficient remedy proposed for ills of such a magnitude, in a manner that did him the highest credit. But, he must say, that he thought it was not so essentially necessary for the House to be in possession of the opinion of any set of commissioners, as to find out, upon the evidence offered to them, some speedy relief for evils, which from day to day were going on, increasing in number and amount, and becoming more and more oppressive on the subject. They all knew very well, that the business of the court of Chancery was also from day to day enlarging. Was not this an additional evil? What was the nature of its proceedings? They were governed not by the common law of the land. It was altogether a sort of stolen jurisdiction, affecting to proceed on principles of the civil law, but really acting on a system that was repugnant to the principles of common law, and he might almost say, of common sense. Now, it was perfectly obvious, that one great remedy for the evils consequent upon the present constitution of this court, would be to provide for its proceeding upon principles of the common law. If, instead of that immense documentary evidence, and the production of that worst of all testimony, affidavits, in the way of evidence—if, instead of the lord chancellor's directing voluminous written statements to be made out, and the circuitous proceedings by numerous interrogatories, when, perhaps, that man might be sitting under the very nose of his lordship, who could explain the whole of the transactions in question before him — if this practice were done away with, and the rule of the common law and of common sense were resorted to, of taking the best, and not the worst testimony that could be obtained—of preferring oral testimony where it could be gotten, to more circuitous and uncertain evidence — then, indeed, something like permanent good would be effected. By the existing modes of dilatory proceeding, under which a person was not considered bound to attend the court until after he had been summoned three times, and by all those means which enabled a party on paying up his fees punctually, to go over so many seals—a dishonest man had it in his power to impose the necessity of following him through a course of almost heart-breaking litigation. Why, if, a whole year had been employed in collecting information only about the fees of Chancery, enough had been done to enable parliament to proceed, there was another part of the subject so perfectly obvious, that he could see no necessity for having a report upon it. If the other avocations of the lord chancellor did not give him time to attend to the business of the court of Chancery—a fact which was roundly stated—why, then, let us in God's name, have judges enough to do the business properly; let us not be placed under the necessity of pursuing justice by such dilatory and expensive methods. With respect to bankruptcy cases, some new provision ought certainly to be adopted. There was not, he believed, a more fertile source of abuse, between parties, than the manner in which commissions of bankruptcy were sued out and prosecuted. In this department, there were no less than seventy judges, who might or might not attend, at their pleasure; and hence a most ruinous delay was frequently produced. The manner in which bankruptcy cases were now treated was the cause of great fraud and dishonesty. But then there was considerable influence attached to the system. Those seventy places were in the gift of the lord chancellor, and were generally bestowed upon young barristers to begin with; for no one would say that those who filled them were selected on account of their peculiar fitness for the situation. If there were only seven, or only two courts, attended by persons who would give themselves up wholly to the business, that business would be better done, and justice would be more speedily administered, than it was at present by this multitude of assistants. Twelve months ago a commission had been appointed to inquire into the practice of the court of Chancery. No report had yet been made; and the right hon. gentleman now declared, that it would be detrimental to the public, and, in fact, be an act of injustice, to produce the evidence taken before that commission. He could not, however, perceive that any mischief was likely to be produced by placing that evidence fairly before the public. The inquiry was connected with the general administration of justice in this country. In the courts of equity, the expense of procuring justice was much greater than in any other court; it therefore was proper, that the House and the public should get possession of every circumstance which could guide them to a remedy for so serious an evil. The first thing which ought to be placed in their hands was not the report of the commission, which appeared to him to be of no importance, but the evidence taken before the commissioners. That evidence ought to be produced immediately. So far from delay being advisable, much mischief would be inflicted on the public by withholding the information which he now moved for. He hoped, therefore, that the right hon. gentleman would change his opinion; and, if there were not some great inconvenience consequent on the production of these papers, he relied on the good sense of the House in supporting this motion for making the evidence public.

Mr. *Hurst* said, that his family had long been engaged in a suit which they had at length recovered; but out of every 10*l.* the expense of obtaining it through the court of Chancery had been 8*l.* 17*s.* 6*d.* A court that could countenance such an expense as that, was a burthen on the country; and he wished health and happiness to every man that was desirous of promoting an investigation into the system.

Mr. *W. Smith* complained of the practice of the court of Chancery from his own experience. His father had called him to him on his death-bed, and told him, that he was happy to inform him that, in the course of that week, a very long law-suit that he had had, had come to a termination by the death of his opponent. This suit, be it observed, had lasted two and-thirty-years [hear!].

Mr. Secretary *Peel* said, he would willingly lay before the House a copy of the commission, by which the hon. baronet would at once see the extent of its powers, and the variety of matters which it had to inquire into. He hoped, therefore, that the hon. baronet would consent to withdraw his motion. Ere long, he trusted a report would be made which would give all the information required. Should it not be made, if the hon. baronet renewed his motion early in the next session, he would not oppose it. He had no desire to perpetuate abuses of any kind. A clearer proof of this he could not adduce, than the fact of his having that evening introduced a bill for putting a stop to a very great abuse—that of procuring frivolous writs of error.

Mr. *Denman* observed, that the circumstance to which the right hon. gentleman had last alluded was, in fact, favourable to the present motion. The bill of which he had spoken was not founded on the report of any commission, but was brought in on account of the notoriousness of the evil which it was meant to correct. Now, those who supported the present motion, knew that the evils of the existing system in Chancery were notorious, and they wished, independent of that notoriety, to have formal evidence of the fact before them, without waiting for a report. The right hon. gentleman was willing to favour the House with the terms in which the commission was appointed. The commissioners were to inquire into the practice and the process of the court of Chancery. Of these terms he complained, because they were not sufficiently explicit. It might be true, that no such proceeding as that now submitted by his hon. friend, had ever before been resorted to in that House: but, the question was, whether the circumstances did not fully justify it? Was there ever a case, when the practice of the court of Chancery was touched, which did not induce gentlemen to start up and charge that court with delay and ruinous malversation? An hon. member had stated, that he had been charged nearly 8*l.* 17*s.* 6*d.* for the recovery of 10*l.*; and when last this subject was before the House, two or three gentlemen had told him, that they could adduce many cases in which severe oppression was the consequence of the existing system. They related to him cases of annuitants as to whose right to recover certain sums of money no doubt existed, but who were unable to procure that to which they were entitled, until several of them joined to defray the expenses of an amicable suit. Many of those persons might die before a decree could be obtained; but, at all events, such delay must be created, as was a disgrace to the justice of this enlightened country. In the city, if an individual had a claim upon a small quantity of stock, placed in the Bank, although there might be no doubt as to the right which the individual claiming had to it, still the answer regularly was, "We cannot pay it, until you have instituted a suit in equity." In many of these cases the attornies said, "Don't move in such a suit, for the costs will carry away all the money." These were matters of notoriety; and certain he was, that they would never be rectified, unless members applied their minds to the subject, and took the matter into their own hands. In the year 1823, the hon. member for Lincoln (Mr. J. Williams) turned his attention to this subject. The friends of the lord chancellor opposed his motion, and the question was lost. In the following year the motion was renewed, and it was then defeated by the right hon. Secretary of State, who proposed that a commission should be appointed to carry into effect the object which his learned friend had in view. Commissioners were appointed; but, up to this period, they had made no report; and, in his opinion, they were not likely to make one for some time. It appeared that they had sat for 70 days, and had examined 45 persons. They must, in such a period, and from so great a number of persons, have elicited much information which it was desirable the House should be possessed of. But they were told that some difficulty existed with respect to getting it through the press in time. He, however, believed, that the evidence might be printed in three or four days. It had already been lithographed, and any person might have it. In fact, it was public, and he should be very sorry if it were otherwise. But this sort of publicity was not like placing it formally before that House. He would just quote a short extract from the evidence given before that commission by a barrister, which would show of what immense importance that evidence was. The barrister was asked "Whether he had ever seen the misery and sufferings of those who had been obliged to embark in Chancery suits, and whose hopes had been delayed and disappointed?" He answered "No; I see no such things. The solicitor passes between me and the client. I can only speak of the probability of misery being created by those delays. But this I know, that, after long litigation, the order of the court has been often drawn up to divide the remnant of the property, not for the benefit of the litigating parties, but in part payment of the solicitor's bill." Surely the House could not be aware of such monstrous cases, without feeling the necessity of speedily applying some effectual remedy. A distinction was attempted to be drawn on this occasion, founded on the circumstance of this inquiry being conducted by commissioners. Now, he could not see what distinction could fairly be drawn between commissioners appointed by the Crown, and a committee nominated by that House. Yet, in the latter instance, the evidence given had been considered a fit subject for legislation, without waiting for any report. Thus it was with respect to the committee on the state of Ireland. Such, he believed, was also the case with reference to the committee on the Combination laws. If evidence had been given before the commission, with respect to subpœnas, or any other process of the court of Chancery, he thought it was quite competent for the House to legislate on that branch of the subject, without waiting for any report. When the report came, it would of course be subject to the revision of that House, and to the scrutiny of public opinion; but, int he mean time, he thought it would be just as well if, pending the production of that report, the House were let a little into the proceedings of the court of Chancery by the publication of the evidence now called for. There was, he knew, a great degree of tenderness manifested towards the individual who presided in the court of Chancery. This proved nothing more than the extent of his influence. No man wished less than he did to give that noble and learned lord offence: but, he could not help alluding to him when he heard gentlemen argue this question on the ground, that no personal fault could be found with the individual who was at the head of the court of Chancery. He did not mean to say that there was any personal fault; but there might be personal fault; and that was a matter which he thought ought to be well considered. One fact alone would show the manner in which the business of the court of Chancery was conducted. In the beginning of last Michaelmas term, forty-five causes were set down in the paper to be heard in the term and on the last day of the term they still remained on the paper. Not one of those causes was touched;

and he begged the House to recollect that every one of the parties connected with each cause had to pay 1*l.* for being set down, exclusive of incidental expenses. If there were ten parties plaintiffs, and twenty parties defendants, each of them had to pay twenty shillings for the privilege of not being heard. A great deal of praise had been bestowed on the lord chancellor, because he disposed of much business by way of motion. He would say, so much the worse; because great interests ought not to be so disposed of. If the case were afterwards to be formally adjudicated, the hearing of it by motion tended only to instil prejudices into the mind of the judge; and if it were disposed of at once, it passed by without that solemn consideration which all cases of moment ought to receive. He threw out these observations without meaning any thing disrespectful to the individual; at the same time, God knew, he wished to pay him no unnecessary compliments. On the contrary, he would speak his mind boldly and fearlessly. He wished to show that the system was not altogether to blame, and if so, that those who were at the head of the court ought not to escape all censure on account of some supposed defect in its organization. The lord chancellor had been for twenty-five years a constant witness of all the evils arising from the system, and it was a little surprising that he had made no attempt whatever to remedy those defects of which the public complained. On the contrary, he opposed with all his power every effort which had been made to remove those evils. He supported this motion on the very grounds laid down by the right hon. gentleman. He said, that if the proposition were made next session, he would give it his sanction: but, a motion of this kind, made next year, would be just as unprecedented as the present. Why, then, should he refuse his sanction now? A great degree of distrust had been created throughout the country, in consequence of the way in which the commission had been formed; and he feared that the right hon. gentleman's interview that very day with the lord chancellor would have the effect of rendering that distrust still stronger.

Mr. *Peel*, in explanation, said, he had only seen the lord chancellor for the purpose of ascertaining the probability of the commissioners making a report at an early period. His lordship had not the slightest objection to their making a report as soon as possible; and thought that it would and ought to be made before the next session.

Mr. *W. Courtenay* said, that he was quite ready to admit the importance of the subject now before the House; and his object would be, before he sat down, to state the case as it really existed. In doing that, he was aware that it must be dull and disagreeable to several hon. gentlemen; and he had, therefore, to hope for the usual courtesy, while detailing the course of inquiry confided to the commissioners, from whose exertions he anticipated much greater benefits to flow than seemed to be calculated upon by hon. gentlemen at the other side of the House. He wished the House to see the matter fairly and impartially, and not to look at it with prejudiced or jaundiced eyes; and he was sure, that if he could succeed so far, he would be able satisfactorily to state, first, the effects of the inquiry intrusted to the commissioners; secondly, the progress they had already made; and, thirdly, the remedies which they felt themselves called upon to propose. When first these matters were brought before the notice of the House, they heard great complaints of the delays in the House of Lords and the court of Chancery. For himself, he never denied the existence of some abuses in the court of Chancery, although he had resisted the appointment of a committee of that House to inquire into them. But, why had he done so? Because such a mode of inquiry could lead to no useful or beneficial result; and, therefore, he felt it his duty to oppose it. Besides, it had, for a long time, been the fashion, as it were, to look at this question in that confined point of view which lawyers too often adopted, while no one, who fairly and comprehensively viewed the matter, could deny, that the complaints made against the court of Chancery were of such a nature as to show that remedy should rather be applied to particular parts, than to any general alteration of its powers or constitution. Petitioners stated, and they stated very truly, that they were engaged in a suit for many years; that the expenses they incurred were heavy; that they suffered in their pockets and their time; that the forms of proceeding tended to their injury: but it was only of late days that some hon. gentleman broadly stated, not that these abuses should be remedied, but that the whole system adopted in the court of Chancery should be altogether swept away. With reference to the motion made by the learned member for Lincoln, last year, it did not obtain the sanction of that House; not that it was contended, that inquiry was not necessary, but that the proposed method or mode of inquiry could lead to no satisfactory conclusion. But, what followed upon that? Why, that his right hon. friend suggested a plan by which the whole subject of the delays and abuses complained of in the court of Chancery, should be submitted to the investigation of persons, from whose learning and experience, the House and the country might expect the suggestion of appropriate remedies. Did his right hon. friend in doing that, purpose that the inquiry should be placed within narrow bounds? Did he contract or diminish the topics of investigation? Did he wish to preserve abuses, or to retain anomalies? On the contrary, wide, indeed, was the field for inquiry, as the duties of the commissioners would abundantly testify. The commissioners, then, had to inquire whether any, and what, alteration should take place in the practice of the court of Chancery; whether any, and what, change should take place in the mode of conducting all causes and suits in the various courts, and offices of courts, of law and equity. The whole system of proceedings in equity was embraced by the commission, beside the consideration of cases of bankruptcy, to which he begged leave to call the particular attention of the House. This inquiry, let it also be known, was to take place from the first commencement of all suits and proceedings to the end of them: the mode of hearing and deciding cases were also to be inquired into, together with the expense and the time occupied in hearing and deciding the different causes. Such was the field of inquiry laid open to the commissioners; and he was not aware of any words in the English language which could give to any body of commissioners a wider range for investigation. But the commissioners were not to stop here; they were to inquire whether any, and what, part of the business could be usefully withdrawn from the lord chancellor and submitted to some other court; as well as, whether his jurisdiction in bankruptcy cases could not be beneficially transferred. It was said, that the commissioners were restricted in their inquiry, but he could say, that there was no one branch of the enquiry which they had not touched upon; they invited information; they sought for evidence; nothing referred to them was shut out from investigation [hear, hear]. If that then were so, what ground was there for representing that no confidence could be placed in such a commission? To whom, he asked, was such an inquiry to be committed? To a committee of the House? Certainly not; but to a committee of practical and experienced persons, to persons conversant with the subject on which inquiry was to be instituted. That abuses existed, that anomalies prevailed in the court of Chancery, he never attempted to deny; but he would deny that any other than practical men could suggest adequate remedies for their cure.—He was well aware, that the House did not like to hear long speeches in defence of the court of Chancery; but he hoped he would stand excused, while he read one or two passages from a book, which was said to be of some weight and authority by some hon. and learned gentlemen at the other side of the House. He alluded to the work of Mr. Miller, on the present state of the civil law of England, and he there found this passage:—"It has been already intimated, that the comparatively late period at which courts of equity arose, appears to be one of the chief reasons why the words and phrases used in equitable proceedings are more intelligible than those employed in the courts of common law. To the same circumstance it may be owing, that, until a comparatively recent period, there was no necessity for its written pleadings being so rigidly confined to a precise form as those of the common law were very early required to be. It is true, the multitude of technical rules which the subtlety of practice has now introduced, has destroyed this simplicity; but the main principle of equitable pleading are still entitled to decided commendation." He would not here say whether Mr. Miller was a good authority or not; but, at all events, here was a man of some authority who still stated, that the present system of equity pleading, was not only not bad, but entitled to decided commendation. Now, one of the objects of the commission was, to cut off these technicalities and abuses: and the great object should be, not to overturn the system altogether, but to apply practical remedies to practical abuses [hear]. Mr. Miller went on to say—"While the masters in Chancery, who are appointed by the chancellor, and attached to him as assistants, appear to have been the principal agents in devising new writs, which multiply the forms of action, and impede its progress in the courts of common law, no permission has ever been given to those officers to intermeddle with any part of the procedure under the chancellor's equitable jurisdiction. The court of Chancery has tenaciously adhered to that form of bill with which it began, and which it applies to all sorts of persons and causes of action. Indeed, it will not be easy to propose any plan of procedure more natural or appropriate than that of the court of Chancery, in essential points, now is. If it were disencumbered of that load of abuses and anomalies which time and carelessness have accumulated, it is well fitted, by means of pleadings, hearings before a judge, references by a judge to one of the masters for his opinion on subordinate matters, and hearings, on further directions, when it returns to the judge again, to settle the tedious and involved legal controversies to which a refined state of society necessarily gives birth."—He was aware that the perusal of these extracts might seem tedious; but as they had heard so much of the abuses of the court of Chancery, he only read those extracts for the purpose of placing the matter in its real light before the House. It might be said, that such opinions were those of a chancery lawyer, and, therefore, worth little. But surely, they were entitled to some consideration, especially from hon. and learned gentlemen, who had referred, in a former debate, to the code Napoleon as a model of simplicity; and who had also added, that there was no nation in Europe which would tolerate a court of Chancery but England. From America, from the state of New York, a book was sent forth, written, it was true, by a lawyer; and it was entitled, "The Office and Duties of Masters in Chancery;" by Murray Hoffman, esq. Here, then, was a book coming from our rivals in arms and in commerce; a book whose contents were borrowed from our institutions, as the best and safest which could be found to direct them in the administration of public justice. From that work he would not offer many extracts, but there was one which he must read, if it were only for the purpose of showing some hon. and learned gentlemen, that, however lightly they might be pleased to speak of the opinions of chancery lawyers, yet that all tend to shew in what estimation they are held by the people at the other side of the Atlantic:—"It has happened unfortunately in our state (so far as my own experience extends) that the leaders of the bar have neglected or contemned any study of the rules of practice, and have contributed nothing to its precision or improvement. While every volume of English Reports contains notes of cases taken by the most distinguished lawyers, our own chancellor, in his efforts to settle the course of the court, has been very little aided by those best qualified to assist him. If they have regarded the subject as beneath their attention, the sentiment is unfortunate and erroneous. Such is not the opinion of the able and deep thinking lord Eldon, whose consideration has been as deliberate, and his decision as matured upon points of practice, as upon the important doctrines of the court, and who feels strongly what lord Erskine declares, 'the infinite advantage of connecting practice as much as possible with the substance of justice.' Such was not the opinion of the great lord Bacon, the man most illustrious in English annals for the powers of intellect, whose mind united in the most eminent degree, the comprehensive, and the minute, and the solitary destiny of whose fame it is, that no memorable achievement of art or science can be effected without casting back a portion of its glory upon his own name. He deemed it not unworthy his great understanding to collect, revise, and establish a body of orders, which remain to this day the foundation of much of the existing practice, and which are as remarkable for the precision of their language as the utility of their provisions." He entirely concurred with the doctrines and philosophy of lord Bacon, inasmuch as they work well, and were founded on just principles, and dealt with minute particulars, rather than being based upon general and affected assumptions. In what situation, then, do the commissioners now stand? He feared he was wearying the House; but while he admitted that the practice of the court of Chancery required reformation, he meant that persons best acquainted with the court were those only which could suggest the proper remedies. In the course of the inquiry, every thing was attended to which was likely to be productive of service to the public; every evil complained of in that House was brought under the view of the commission; and he was satisfied, that no better plan could have been adopted, than that of receiving evidence from all the practical men whom they could find. It was said, that the opinion of the commissioners would not be worth giving. Upon that subject he would not now say much, but he trusted the House would hear that opinion before they anticipated it, and anticipate it, also, to be bad and not worth receiving. For himself, he should have thought that the character of the commissioners would have inspired confidence in the House and the country, rather than that they should be supposed to be mere instruments of delusion. After all that had been said, he hoped the commissioners would be able to suggest some remedy for the existing abuses; and he was quite confident, whatever taunts or sarcasms might be thrown out against them, that they would be able to submit such opinions to the House, as would prove they had been zealously employed in fulfilling the trust committed to their care. Until the period came for making their report, he hoped their proceedings would not be meddled with; but when they have made their report, then would be the time for the House to pronounce an opinion. He felt it to be a duty to his brother commissioners, who were all diligently and zealously employed in the duties confided to them, to say thus much in their vindication, as well as to give some idea of what they had done [hear, hear].

Dr. *Lushington* expressed his intention of supporting the motion, and said, that in all he had heard from his brother commissioner, he saw no reason to depart from the true and universal principle, that publicity was in all cases calculated to elicit the truth. He wished that the evidence should be published, in order that it might undergo a full discussion in every possible shape, by pamphlets, reviews, and otherwise; because this discussion would, among its other good effects, afford assistance to the commissioners themselves, and the more the subject was examined, the more likely was it that the great object of the inquiry would be obtained. He was anxious also that it should be produced, that it might prove that the commission had been mindful of their duty, and had discharged it with faithfulness and impartiality. A very short space of time would suffice for its production; and all that remained to be done would not be prejudiced by the production of that which had gone before, because so much had been done, that he verily believed no further evidence remained to be taken, excepting for the purpose of elucidating such parts as exhibited a discrepancy of opinion among the persons examined. He would be the last person to say one word of the persons of whom the commission was composed. But he begged the House to consider, that in order to the due administration of justice, three things were necessary—first, that the system should be a good one; secondly, that the practice should be judicious; and, thirdly, that the judge should discharge his duty with ability, integrity, and despatch. If any one of these items were wanting, it was impossible that justice could be duly administered. With respect to the first point, that, he submitted, was not within the province of the commission to inquire into. The second was conveyed in the instructions to this commission in so comprehensive a manner, that it was impossible to extend them. Whether the chancellor had been a good judge or not, the commission was not directed in precise terms to inquire into; but it was impossible for them to give their opinion whether any part of the jurisdiction of the chancellor ought to be taken away, unless they first came to a conclusion as to the Chancellor, the Master of the Rolls, and the Vice-chancellor, having faithfully and ably discharged their high duties or not; because, until it was ascertained by what means the arrear had been occasioned, the delay complained of could not be attributed to the proper quarter. He was not one of those who would object, if it became incidentally a part of his duty, to speak plainly his opinion as to where the blame ought to rest. If any thing appeared to criminate any of the individuals he had mentioned, he trusted in God that he should not want mental courage enough to discharge his duty faithfully; and in justice to his brother commissioners, he must say that he had seen in none of them the slightest disposition to shrink from that duty [hear]. He begged leave to add one or two words, as to the circumstances under which he had been selected as a member of that commission. It was sufficiently obvious that he had been selected as an Opposition member; a man whose political opinions were well known; and he was sure that he was sent to the commission, not as a spy, but in order to do his duty. He had nothing to hope or to fear from the strict performance of his duty. He had received no place—no favour. He was not bound by gratitude for the past, nor by hopes for the future; and, therefore, it might be allowed to him that he joined the commission with a view to discharge the trust reposed in him with the utmost impartiality. Let him also be just, and add—that if he found a complete investigation was refused, he was determined to come down to that House and say that justice was not done. But, while making this statement, he felt himself bound in candour to say, that he would not act in the spirit of persecution, although he trusted he would have firmness enough to do his duty. It was said, that this commission could do no good, because the chancellor was at its head; and if the lord chancellor had attended the examination of witnesses, if his eye had always been upon them, when certain matters not very agreeable to his lordship might have been elicited, the inquiry could not have been complete; but, in justice to the lord chancellor, it must be stated, that his lordship remained away during the whole of the examination; and after it was taken, he expressed his readiness to attend, and offer any explanation which might be in his power [hear, hear]. He now merely dealt in fairness to the lord chancellor; and he would add, that in no one instance had the commission been shackled in their inquiry. He was not disposed to screen the lord chancellor, neither did he wish to pay him compliments; but if he had concealed these facts, it would be a pusillanimous and unworthy concealment [hear, hear]. It was true, that the commissioners had, as yet, made no report; but the reason was, that they could not do so, without its being imperfect. Delay had taken place from unavoidable causes. One of them was the illness of the vice-chancellor; but that delay had been more than amply compensated by the very valuable papers which he had offered to the commission—papers which, coming from the able and practical source they did, would prove highly worthy the attention of his majesty's ministers. He thanked the House for the patience with which they had heard him. He hoped the House would accede to the motion.—It would produce great good; for it would produce discussion.

Mr. *Lockhart* thought, it would be better to wait till the whole evidence was taken and the report drawn up, before any part of it was published. The House would then have before it the remedy suggested for the abuses, if any.

Mr. *Abercromby* said, that if the House was sincere in wishing for a reform of abuses, they would vote for the motion. It had been stated by several members, that no harm could come from publishing the evidence, while he, and those who voted with him contended, that much good would arise from making it known. By now publishing the evidence, the House would save a whole year. It would also shew the public what the commission had been doing, and enable them, by sifting it, to come to a just conclusion. It was idle to say, that any reform would ever be effected, unless the public pressed it. Inquiry had been postponed as long as possible. It was the public who had forced it on, and it was the public who would effect the reform. The people took a deep interest in it, for many of their most valuable interests were involved in it. Let the public, then, have the evidence; let them sift it; let them see where the evil lay; and let them elicit the truth amidst those discrepancies which were said to exist. He was quite convinced, that upon this subject no man could give a better or sounder opinion than lord Eldon. As far as high attainments in his profession went, that judge was inferior to none. But here he must stop. The loudest complaint which had been made—others, if they would, might call it clamour, but he called it reasonable and well-founded complaint—was against lord Eldon himself, and the manner in which he administered the justice of his court. The gravamen of the numerous petitions on this subject was the inconvenience which suitors experienced, in consequence of the practice of putting causes day after day in lord Eldon's paper, purporting to contain the business of each day, and which causes did not come on. They were postponed over and over again, and each postponement was attended with a considerable expense; and even when causes had been decided, the judgment was delayed sometimes for weeks, sometimes for months, sometimes for years. These were among the heavy complaints made against lord Eldon, and he asked whether the commissioners had examined into them? Whether any thing had been done to ascertain their truth, whether the cause-papers had been produced, which would at once decide the point? Any person who knew any thing of the court of Chancery would agree with him, that this was the greatest inconvenience the public had to complain of, and that this brought upon the whole system a greater degree of discredit than fairly fell to its share. He thought that system, if properly administered, was admirably contrived for the public advantage: for the sake of the system then, he wished the subject to be fully examined. He must say with respect to the manner in which the commission was composed, that it was the first time in an inquiry into the proceedings of a particular court, that the person selected to be at the head of that commission was the person who presided over that court.

Sir *M. W. Ridley* said, it was not the court of Chancery alone which required reform. Let the House look also to the court of Exchequer, and the other courts; for they all required to be looked after. He had had a cause twelve years in the court of Exchequer. He had then got a decree in his favour, and gained by it 40*l.* a year, at an expense of between 7,000*l.* and 8,000*l.* He wished as much as any man to see the system altered; but he must object to the mode in which an individual was attacked, night after night.—He was persuaded such attacks did no good; for lord Eldon stood very high in the estimation of the people of England.

Mr. *James* said, that the court of equity ought to be called a court of robbery, and that there could be no reasonable hope of its being reformed until the House itself should be reformed.

Mr. *Brougham* said, that having so lately had an opportunity of delivering his sentiments on this subject, he did not now intend to detain the House. With respect to the lord chancellor he would say, that in the amiability of his habits, and in his courteous manner in all public business, he far surpassed every other judge, from the highest to the lowest, that he had ever seen. This it was that caused him to feel, whenever it was his duty to make any charge against lord Eldon, a considerable pain at being obliged to use harsh expressions against one, who never used harsh expressions to any one. He spoke of him as a judge not as a politician. He had heard the late sir S. Romilly over and over again avow the same repugnance, and for the same reason. As a politician, lord Eldon acted very differently; for, when in the House of Lords, there was no man who said more harsh things, or who spoke with less respect of his enemies.—If ever a motion stood on irrefragable grounds, it was the present. To say that the report would be made before the next session, what was it but getting rid of the question, because those concerned in it durst not meet it fairly? The real question which the House was called upon to decide by the present motion was, whether the conduct of the lord chancellor should be made the subject of inquiry next session or the session after; for unless the evidence were read by parliament and the country during the long vacation, next session would bring no remedy for the evil so loudly complained of. His learned friend (Dr. Lushington) had told the House, that the commission, as far as he was concerned, was impartially constituted. That he most readily admitted: but, when he looked at the other component parts of the commission—when he recollected the infirmities of human nature—when he considered how he himself should feel if he were to be placed in a commission of which he would be the only opposition member—he could not help imagining that his learned friend might be influenced in his opinions by something like a feeling of generosity towards an adversary. When he recollected, too, that the commission was bereaved of the assistance of his learned friend the member for Lincoln, who was carefully excluded only because he had brought the subject under the notice of parliament—when he recollected that the commission was likewise bereaved of the assistance of his friend, the member for Durham (Mr. M. A. Taylor), who first [a laugh]—he would say, that there was not a man in that House who deserved better of his country than that hon. member, and he should like to see the man who would sneer when he uttered his conscientious opinion in favour of that hon. and learned individual. He saw members whose learning amounted to no more than the capacity of counting ten upon their fingers, who presumed to sneer at what he said—members who never opened their mouths in that House but to cover themselves with ridicule, and whose silence was the most prudent part of their conduct—he saw these men presume to sneer at a panegyric which was echoed by every person who had the honour of knowing the individual to whom it referred. Sir S. Romilly—who, to be sure, was no great lawyer, who was a person of contracted faculties—thought he could not better employ his valuable time than in consulting the hon. member for Durham in private, and supporting him in public, on the subject of the court of Chancery—sir S. Romilly did not think it beneath him to back the hon. member in the committee which was appointed with reference to the court of Chancery. And then began that chapter of the frustration of hope to the House and the country, which was not yet brought to a conclusion. In that committee no obstruction was offered to inquiry on points of practice; but, no sooner did sir S. Romilly and the hon. member for Durham proceed to the too delicate part of the question—no sooner did they direct their inquiries to the time which had elapsed from the final hearing of the cause to the giving of judgment—than an adjournment was moved, and members who had never heard of what had been stated on the subject, crowded in to befriend the lord chancellor by their votes.—His hon. and learned friend stated, that the lord chancellor, out of delicacy, had resolved never to attend the commission, during the examination of witnesses; in short, that he was boldly resolved to meet any charge which might be brought against him. At the courage which the lord chancellor displayed, he did not feel much surprised; for nothing could be a better foundation for boldness than a consciousness of absolute security from conviction by his judges; but he thought that his learned friend was mistaken with respect to the fact, that the lord chancellor had never attended the examination of witnesses. He was given to understand, that the examination of the first witness, who was an eminent practitioner of the court, occupied four days. The lord chancellor, according to his own rule, should not have attended at all: he attended two days. The lord chancellor had not, therefore, exhibited that strict conformity to the rule which he had laid down, which would have been required to give satisfaction, supposing the rule in itself to have been of any value. If the lord chancellor could not trust men whom he had himself sent to inquire into his conduct, his absence from the committee might have been of some importance; but as it happened, looking at the constitution of the commission, it did not matter two straws whether he was absent or not [hear]. Now, how was that commission composed? At the head of it was the noble and learned lord himself. Next on the list came the noble lord's old and tried friend, lord Redesdale, who had mounted the ladder of political preferment with his lordship, but always a step behind—who got into the office of Irish chancellor when his noble friend got into that of English chancellor. The next commissioner was the vice-chancellor, an officer of the noble lord's own court. Next came a noble lord (Gifford) just raised to the dignity of the peerage, who owed his advancement to the favour of the lord chancellor. He had never seen any man raised to eminence in so extraordinary a manner. He was seen practising at the Exeter sessions; and three weeks after, he was made Solicitor-general. The man who had been raised in this extraordinary manner certainly owed a great deal to the architect of his fortunes, being in no respect the architect of them himself. He had been raised to his present eminence upon the credit of possessing abilities which he had never exhibited—he had got every thing upon tick. He had never spoken to any individual in the profession who did not consider the noble lord's rise the most extraordinary flight upwards of any thing, except a balloon, which had ever been witnessed. After the noble lord had been raised to the highest point, not of royal but of chancellarian favour—after having sat for a short time in the Common Pleas, (and, he believed, he was the youngest judge who had ever sat on that bench), he was, by a sort of legerdemain known only to the lord chancellor, advanced to the office of Master of the Rolls, the most lucrative and easiest of all the law appointments. Then, as if to make assurance doubly sure, and that no latent seed of partiality should lurk in the noble lord's mind which might bias his judgment in favour of his patron, he was made a sort of deputy chancellor to the House of Lords, to do the lord chancellor's journeywork [a laugh]. In order, if possible, to make this person the victim of what sir Robert Walpole called political gratitude, he was pointed out as the individual to whom the lord chancellor meant to leave his office by way of legacy. It was understood that the learned lord meant to make him his heir and legatee, by devising to him the great seal for the term of his natural life—that being the term for which it appeared the office was in future to be held [hear]. The other members of the commission were the Solicitor-general, Master Cox, and several other persons who expected to be masters. These were the persons whom the lord chancellor had selected to inquire into his conduct, and these were the persons with whom he walked through the valley of the shadow — not of death, but—of Chancery, in the hope of a speedy and blessed resurrection. It was proposed to inquire into the conduct of the lord chancellor, and the learned lord said, "let me name my judges," That was granted, and the first judge he named, was himself. The learned lord's conduct reminded him of a ludicrous circumstance which occurred in Westmorland. In a cause of "Thompson against Jackson," a man of the plaintiff's name got into the jury-box, but his name attracting attention, he was asked, very naturally, whether he was any relation of the plaintiff, to which he replied, "I is the plaintiff." Was not this just like the conduct of the lord chancellor? A commission was appointed to try the lord chancellor; lord Eldon presented himself as first commissioner; he was asked whether he was any relation to the lord chancellor, and he answered at once "I is the chancellor." The judge who presided at the trial at Westmorland requested Mr. Thompson to step out of the jury-box; and yet Mr. Thompson was as conscientious a man as the lord chancellor; for he had taken an oath, too, that he would well and truly try the issue joined between the parties and a true verdict give, so help him God! The judge, however, was not willing to let Mr. Thompson do that under the sanction of an oath, which the lord chancellor had undertaken to do without. Let no more be heard about the challenging of juries. The chancellor's golden rule was best; for it would render the decision as speedy and satisfactory to one party, as his practice in his own court was unspeedy and unsatisfactory to all parties. He had been informed that the commission were very careful of touching upon the tender point; namely, the time which the lord chancellor suffered to elapse between the final hearing of a cause and the delivery of judgment on it. For instance, where a question had been proposed to a witness on this point, the witness was desired to withdraw, the room was cleared, and the question was not repeated. This he had heard stated as a fact. It was the account given by the witness himself. The tone which hon. members on the opposite side of the House now adopted, was quite different from that which they had formerly held. He remembered when, if the system of the court of Chancery was attacked, the Tories would have said, "Do not attack the glorious system which has been handed down to us by our ancestors—lay your blame upon men, but leave the system alone." But, now the whole of the blame was laid upon the system of the court of the Chancery and not any upon the chancellor. Really, the court of Chancery had not fair play when its system was blackened, night after night, in order to screen the lord chancellor. Had the question ever been put to any of the witnesses, "Do you think that such or such a person could, with the assistance of a vice-chancellor and a deputy-speaker of the House of Lords, do what lord Hardwicke, lord Thurlow, or lord Rosslyn did without any such aid?" He had seen some of the questions in lithography, which had been proposed to the witnesses before the commission; one of them was—"Can any man sit more than six hours in the court of Chancery, having his mind during that time constantly on the stretch." The inference which it was intended should be drawn from that question was evident; but the question should have been followed by another, "Does the lord chancellor sit for six hours in his court every day except Sunday, with his mind on the stretch during that time?" He hoped the commissioners would take an early opportunity of putting that question, and also of supplying other deficiencies: for instance, it was absolutely necessary that they should have the cause papers before them, which would show at once what delay took place between the final hearing of, and the giving of judgment on causes in the court of Chancery. Unless the commission took measures for probing the evil to the bottom, they might sit for seven times seventy days, but their labours would be a mockery, to be equalled by nothing but the manner of their constitution. In conclusion, he had heard no substantial objection offered to the motion, which, if agreed to, would go far to correct the evils which were complained of, but which, if frustrated by a ministerial majority, would nevertheless have the opinion of all the people of England in its favour.

Dr. *Lushington* explained. He believed he might state it as a fact, that the lord chancellor had been present only on two out of the forty days of the examination. Undoubtedly, the point to which his learned friend principally adverted had not yet been considered in the commission. The reason was, that it was necessary to follow up the investigation in the order of the instructions to the commission, commencing with an inquiry into the practice of the court of Chancery, and then seeing if, on any public ground, the conduct of the lord chancellor could be justly made a subject of separate consideration. The inquiry was not closed; and when that part of the question came to be investigated, he could assure his learned friend, that no cause papers, which might be necessary for its illustration, should be wanting. His learned friend had adverted to a question put to a witness, who was then ordered to withdraw, and to whom, on his return, the question was not repeated. He was not aware of such an occurrence. But, the question of the cause of the delays in judgment had been put over and over again. On that point it was impossible to go further, without changing the investigation from a fair, honest, impartial inquiry, into an inquisitorial proceeding.

Mr. *Tindal* claimed, for the commissioners, the credit of an honest, faithful, and careful inquiry into the merits of the case. They had gone on gradually, but surely; and they were still going on. Although it was impossible that they could say they would make their report on any given day, yet it certainly was his own entire belief, that the report would be ready to be presented to his majesty before the commencement of the next session. What was there, then, to induce the House to accede to a proposition so completely at variance with all precedent, as to call for the evidence on which a report was to be founded, before the report itself was in readiness? If the present motion were agreed to, how could the commissioners proceed unbiassed and unfettered? There was another important consideration. If the evidence were now to be proclaimed to the world, such a step would provoke communications from all quarters; some in the shape of answers to the evidence, others in the shape of statements of opinion. If the commissioners were to receive these communications, where would be the end of their labours? If they refused to receive them, they would then be called a smuggled commission. The wiser course was, to go on in the ordinary practice under such circumstances. It certainly had occurred in the progress of the deliberations of the commission to consider, whether or not they should make separate reports from time to time on the facts as they occurred, or whether they should wait until they had investigated the whole subject. The lord chancellor had declared himself in favour of the first proposition; so that if there had been any improper delay it was not attributable to the noble and learned lord. Other members of the commission, however (and he was one of them), were of opinion, that it was better to wait a few months, until they were able to make one connected and satisfactory report.

Mr. Secretary *Canning* said, he was desirous of shortly stating the grounds on which his vote in opposition to the motion was founded. Throughout the whole of the very able and very entertaining speech of the learned member for Winchelsea there prevailed one error. It was of such a nature that, when exposed, the whole fabric of the learned gentleman's argument must fall to the ground. The learned gentleman seemed to think, that the commission was instituted by the House, and that it was considered by the country, as a criminal inquiry. No such thing. He was sure that no man in that House voted for the appointment of the commission with that view; and he was equally sure that it was not considered in that view by the members of the commission themselves. The learned gentleman had talked of its having been in former times the usage of the House and of the country, cautiously to avoid all inquiry into systems, and to look for errors in men alone; and of its being the usage in the present times to avoid all inquiry respecting men, and to search for errors in systems only. He (Mr. Canning) was quite convinced, that there was no desire in any quarter, to shield any man if guilty of improper conduct. But, what he and the House and the country understood it to be the duty of this commission was, not to pronounce on the guilt or innocence of individuals, but to put the House in possession of the result of their inquiries; in order that the House might determine whether it was the system itself, or the administration of it, which was faulty. The learned gentleman assumed, that it was taken for granted, that the fault must be in the man, and recommended the most severe and unsparing scrutiny by the commission into the administration of the court. It was plain, from what had been stated by the members of the commission themselves, that the learned gentleman had misconceived this point. If the commissioners thought they were to consider, that the fault must lie in the administration of the system, and not in the system itself, they would not have adopted the course which had been explained by the learned member for Ilchester, with an ability which did him great honour, and with a candour which did him more. While that learned gentleman remained a member of the commission, it was impossible that any one could think the conduct of the commission liable to imputation. If the fault of the administration, and not of the system, had been the object of the labours of the commission, then the speech of the learned member for Winchelsea would have been in its proper place. The dissection of the commission by the learned gentleman would, indeed, have been a powerful one, if he had been justified in setting out with the assumption, that it was a criminal inquiry in which they were engaged. But, if the object with which the commission was instituted, was a fair and impartial investigation, in order that the House might see from the result if there were any grounds of criminality or not, then the commission was not liable to the imputations cast upon it by the learned gentleman. It was, indeed, impossible that the commission could be justly liable to any such imputation, while it contained a single individual under whose eye all the proceedings must pass, and who had no disposition to screen any one to whom a charge might appear properly to apply. But, it was evident that, whatever might be the constitution of the commission, or with whatever intention it might have been formed, after the speech of the learned gentleman, to agree to the motion would be at once to abolish the mode of inquiry which had been commenced, and to condemn the commissioners for the manner in which they had conducted that inquiry. If that motion were acceded to, it would be impossible, that to the seventy days on which the commission had already sat, a seventy-first could be added from which the public would derive the slightest advantage. And what was to compensate the House for thus suddenly putting an end to an inquiry so far advanced, and throwing a stigma on an assembly of honourable men;—a stigma which no one could say any individual member of the commission deserved singly, and which therefore it was not likely they would deserve in their incorporated shape? In order to avoid a little further delay, it was proposed to nullify all the proceedings that had hitherto taken place, and to stultify the individuals who had concurred in those proceedings! It was proposed to the House to start afresh; and so to start at the conclusion of a session, when there would not be even time for the printing of the evidence. And this, too, when the alternative was a pledge on the part of the commission, to lay the report and evidence before the public by the commencement of the next session. He had no difficulty in adding, that if that pledge was not redeemed, he should not feel himself capable, as an honest man, of resisting the institution of some other course of inquiry into the subject. But he must say, that he trusted implicitly to the assurance of the commissioners, that the report and the evidence would be prepared by the commencement of the next session; that was as soon as, if the evidence were on the table at that moment, any proceeding could be instituted upon it. What he protested against was, rashly destroying the labours of the commission as far as it had gone, and rendering its future labours useless. As to the precise course of the commission and the progress it had made, he was uninformed with respect to the one, and incapable of judging of the other. It was with a view to information that he wished to have the evidence, not in a disjointed state, but classified, and accompanied with the inferences and recommendations of the commission. He did not pledge himself to admit the justice of all the inferences of the commission, or to concur in all its recommendations. But, ignorant and unlearned as he was in all that related to the court of Chancery (which ignorance and want of learning, however, he shared with the great majority of those whom the learned gentleman wished to persuade to take the inquiry out of the hands of the present commission), he looked to the report of the commission as the means of enlightening himself on the subject; persuaded as he was that the commission was composed of men incapable of wilfully misleading the House. Above all, when honourable men had undertaken an arduous task, he would not consent, without just cause, to render their labours useless; nor would he be a party to consign them to undeserved infamy [hear, hear!].

The House then divided: For the motion 73; Against it 154; Majority 81.

List of the Minority.

Abercromby, hon. J.
Allan, J. H.
Benett, J.
Bentinck, lord W.
Bernal, R.
Birch, J.
Blake, sir F.
Brougham, H.
Byng, G.
Calcraft, J.
Calthorpe, hon. A.
Calvert, N.
Carter, J.
Cavendish, C.
Cavendish, H.
Cavendish lord G.
Chaloner, R.
Coke, T. W.
Creevey, T.
Davies, T.
Denison, W. J.
Denman, T.
Duncannon, viscount
Dundas, hon. T.
Ellice, E.
Fergusson, sir R.
Fitzgerald, rt. hon. M.
Foley, J. H. H.
Gaskell, B.
Gordon, R.
Grant, J. P.
Griffith, J. W.
Guise, sir W.
Hamilton, lord
Hobhouse, J. C.
Hume, J.
Hurst, J.
James, W.
Knight, R.
Leader, W.
Lloyd, sir E.
Lushington, S.
Maberly, W. L.
Macdonald, J.
Marjoribanks, S.
Martin, J.
Maule, hon. W.
Milbank, Mark
Monck, S. B.
Newman, R. W.
Normanby, viscount
Palmer, C. F.
Poyntz, W. S.
Price, Rt.
Pym, F.
Rickford, W.
Robarts, A. W.
Robinson, sir G.
Rowley, sir W.
Russell, lord W.
Rumbold, C.
Scott, J.
Sebright, sir J.
Sefton, earl of
Smith, W.
Taylor, M. A.
Townshend, lord C.
Wall, C. B.
Western, C. C.
Whitbread, S. C.
Whitmore, W.
Wilson, sir R.
Wood, M.
Wrottesley, sir J.

TELLERS.

Burdett, sir F.
Williams, John

HOUSE OF COMMONS.

Thursday, June 9.

Flogging in the Navy.] Mr. *Hume* said, that having, in the course of the last session, called the attention of the House to the subject of Flogging in the Navy, he had intended to follow the same course, but in a different form, at an early part of the session, but was prevented by the pressure of business. Instead of a committee to consider the subject, his present intention was, to move for leave to bring in a bill to do away with the practical abuses he complained of. All he proposed was, to obtain permission to bring in a bill now, to have it printed, and to do nothing further with it till the next session. From the communications he had had with several persons in the navy, he was induced to think, that it was in the power of the government to provide a remedy for preventing impressment, and dragging men from their homes and families. The cause of the unwillingness to enter into the navy was the extensive power of arbitrary punishments. No man in the army was subjected to the punishment of flogging until his alleged crimes were decided upon by a court-martial. Why were seamen deprived of that legal protection? Again, how was it to be explained, that in large vessels of the navy, such as the Bulwark and the Dictator, there was no flogging for months together, while in comparatively small ships it was almost daily inflicted? The contrast was almost inexplicable. He believed that the only explanation was, that it depended upon the arbitrary caprice of the commanding officers, without any reference to the offences of the seamen. No such capricious power was vested in the officers of the army. By parity of reasoning, then, why was not the same legal security against the abuse of punishment afforded to the seamen of his majesty's fleet? He could not understand how government could reconcile the continuance of such a revolting practice, with their efforts to relieve from arbitrary flogging the slaves in the West-Indies. In their order in council of the 10th of March 1824, directions were given to prevent a slave in Trinidad from receiving more than twenty-five lashes, and such lashes were not to be inflicted until twenty-four hours after the commission of the alleged offence. Were not our seamen worthy of being placed on an equal footing with the slaves of the West-India colonies? The hon. member here read a statement referring to the arbitrary infliction of flogging, beginning from a period of twenty years past, down to the last year. It took place, in one instance, where a marine received four dozen lashes by the order of his commanding officer, captain Cockburn, merely for his musket missing fire; and in a second instance, where an old seaman, of thirty-five years standing, received the same number of strokes, for declaring that he never witnessed so barefaced an act of cruelty as flogging the marine for such an offence. The punishment of starting was frequent; and he found that when a captain of a ship was brought to a court-martial for a violation of the orders on that point, which violation was established by evidence, the only punishment inflicted on that officer was an admonition, and a command to be more circumspect in future. Was it too much, then, to call for the interposition of parliament, to put an end to such an improper practice? In bringing in a bill, it would be his object to provide, by strict enactments, against its recurrence. It would be said, how was it, if all these abuses existed, that the naval officers in that House did not take the question up? The answer was easy. Some, from early impressions, were prejudiced in favour of such a mode of discipline; while others seeing the view the lords of the admiralty took of the question, dared not interfere. It was one of his objects, to limit the services of seamen, on the principle acted upon by the late Mr. Windham towards the army—to seven or ten years—protecting the seamen, who served so long from future impressment. Indeed, that provision, under his system, would be unnecessary; as impressment itself could then be dispensed with. With regard to the necessity of impressment, he would ask the gallant admiral opposite where the necessity existed, when he found no difficulty by bounties, and ordinary recruiting, to obtain the necessary supply of mariners? The rate of wages paid to the navy was not commensurate with the wages given to the other branches of the service. How was it to be expected, that when the pay of the merchant service was 3*l.* 10*s.*, and that of the navy 34*s.* a-month, seamen would be induced to enter our ships of war voluntarily? If small pensions were given, after a certain number of years' service, to our seamen to sustain them under the afflictions of premature old age, too frequently the result of a life of severe toil, it would operate as a great inducement. If so small sums as 7*l.* or 10*l.* annually were held out as a boon, it would be productive of the most beneficial effects. Even the trifling grants of the Trinity-house, from five to six shillings a-month, were received by that class of men with gratitude and satisfaction. He would give them small pensions proportionate to the period of service, and alter the present system of distributing prize-money. Was it right that a captain of a ship should receive as much prize-money as all the crew together? The officers of the navy ought not to consider prize-money as an object, but should give it up to the men. He would propose that six-eighths of the prize-money should be allotted to the men, and two-eighths to the officers. The officers of the Indian army, when under the marquis of Hastings, had set a noble example in that respect, by giving up their prize-money to the men. He was quite satisfied, that by this and other means, such a change might be produced in the feelings of seamen towards the naval service, that volunteers might be obtained whenever they were required. Still, however, as an emergency might arise, he would provide against it, by having a register of seamen on the plan which was begun 150 years ago, but which was not prosecuted as it ought to have been. He would accompany that plan with a provision, that no seaman should be excused from the service of his country in the navy; just as no landsman was now excused from the service of his country in the army, he being liable to be drawn as a militia man, and to serve five years. He would now move, "that leave be given to bring in a bill to amend the 22nd of Geo. 2. ch. 33, and to make provision for the encouragement of Seamen, and for the better manning of his Majesty's fleet."

Sir *F. Burdett* seconded the motion.

Sir *G. Cockburn* thought he had some reason to complain of the hon. gentleman's want of courtesy, in not apprizing him that it was his intention to introduce into this great national question a personal charge against himself; in which case he would have been prepared to rebut it. He really could not recollect all the circumstances that occurred to him five-and-twenty years ago, but he remembered that it was about that time that a reform was beginning to take place in the discipline of the navy. Previous to that period, it was the practice for the boatswains and boatswains' mates to carry sticks, for the purpose of immediately starting any of the men. The only point that he recollected, with reference to the subject, was, that he had given instructions that that practice should be discontinued on board the ship which he commanded, and that a lieutenant who had disobeyed those instructions, was compelled to quit the navy in consequence. If the hon. gentleman would bring forward any specific charge he would meet it. All he could say was, that he had never ordered any punishment except when he thought it absolutely necessary. The hon. gentleman asserted, that one reason for his bill was, that, at present, seamen were so ill treated in the navy, that they disliked the service. Some of the facts stated by the hon. gentleman led, however, to a very different conclusion. If, while merchantmen give *3l.* 10*s.* a-month, sailors could be found willing to enter the king's service for 34*s.* a-month, it was a proof that that service was not distasteful to them. But the hon. gentleman proposed a system of pensions to induce men to enter early into the navy. Pensions were granted at present. If a sailor, after 7 years' service (or before in some cases), was disabled by debility or accident, he received a pension. After a service of 14 years, that pension was increased; and should he have served 21 years, and for any considerable part of that time with so much credit as to be rated as a petty officer, he became entitled to a pension of 45*l.* a-year. The hon. member had entered into a comparison of the army with the navy in this respect. The fact was, that the sailors were better off than the soldiers. The army enlisted for life; the navy never did. At the end of a certain service the sailors were paid off; and it was no great proof of the dislike of the sailors to the service, that the men who were paid off, were generally the first to enter again. So unfounded was this alleged dislike to the service, that the owners of merchantmen in all parts of the world, had written to the Admiralty, to beg that they would restrain the officers of the navy from receiving their men; and in consequence of those applications the Admiralty had written to the officers on the several stations, not to receive men from the merchantmen to an extent that might distress them. In this last point they went further than they were required to do by law; for there was a statute which annulled all the engagements of a sailor with a merchant vessel on his entering on board a king's ship. The hon. gentleman also wished to take from the officers of the navy the power of punishing the men without a court-martial, and in that point to assimilate the navy to the army. But, the hon. gentleman forgot that when the army was in the field, the commanding officer was invested with the power of arbitrary punishment; of punishment without any previous trial by a court-martial. Now, our ships were always in motion. A man of-war frequently went round the world by herself. In such cases it would be impossible to have a court-martial; and a man who behaved ill might remain a prisoner for three years, before he could be tried. Of this he was sure, that should the House take away this power from the officers, they would go far to destroy the discipline of the navy. The Admiralty had done every thing they could to prevent the improper exercise of that power. It was one thing to possess a power, and another to make an improper use of it. The Admiralty never sanctioned an excess of punishment; but always signified their approbation of those officers who managed their ships without punishments. These two considerations united had produced such an effect, that as many blank returns were now received, as returns stating the infliction of any punishment. This was a great advance. So necessary, however, was the power of inflicting punishment felt to be, even in the merchant service, that in the papers of that very day there was the report of a trial, in which one of the crew of a merchantman had brought an action against his captain for punishing him; but in which the judge had stated, that he could have no doubt that every captain of a merchant-vessel had a right to inflict corporal punishment on such of his crew as deserved it. Would the House take from the navy the power that was considered indispensable even to the merchant service? It was a matter of vital importance; for he was convinced, that to withdraw the power in question would be to shake the very foundations of our navy. With respect to impressment, there could be no doubt that it was desirable to do without the practice as much as possible; but in some cases it was inevitable. It was true, that all our seamen who had pensions were liable to be called upon in an emergency. But the business of a seaman was like any other business. Dexterity in it required that the hand should always be kept in. The moment a declaration of war took place, it was desirable that we should have the means of sending out a fleet; and to effect this, it became necessary to lay hands on every seaman that could be found. It was quite impossible to put an end to the practice of impressment; unless the House would allow such a fleet to be maintained during peace as would enable us to go to war at any moment without disadvantage. It was impossible, that we could have, at a moment's notice, forty or fifty thousand men, without taking them from the merchant service. After correcting an error into which the hon. member had fallen, with respect to the thirty-sixth article of war, which allowed punishment by courts martial, but not by courts martial " only," as the hon. member supposed, he (sir G. Cockburn) concluded by expressing his hope that the House would show, by a majority, that they were satisfied with the way in which the navy was now managed, and did not think the proposed bill necessary.

Sir *I. Coffin* opposed the motion from a conviction of its impolicy. He was not disposed to attach much credit to the hon. gentleman's opinion on maritime affairs, and would recommend him to remember, the old saying "Ne sutor ultra crepidam."

Mr. *Robertson* said, that the want of discipline in the naval service more often arose from a want of qualification in the officers, than from misconduct in the men. He had been in a ship of the worst possible equipment as to crew; but in which the men had been kept in subordination without any corporal punishment.

Sir *Joseph Yorke* protested, that the punishment inflicted upon seamen, arose solely from the necessities of the service, and that it was administered cautiously and conscientiously, and not according to passion and caprice. Punishment might be more formally inflicted by sentences of the courts of law, and the regular tribunals; but it was impossible it could be inflicted with more deliberation and decorum than it was upon the quarter deck of a man of war. The charges of cruelty and of caprice, amounted to an attack upon a highly-meritorious and gallant class of individuals, the officers of the navy. Were naval officers less sensible than other men of the influence of reason and humanity? And how but upon the notion of their insensibility could such a question as this be supported? As to the crews, he did not deny but some two-thirds were good: of the remainder he would from his professional experience declare, that so far from moral lectures about personal character operating upon them, they might as well talk to pigs. Some of them were as insensible as brutes, and bore their floggings accordingly; indeed, they were classed as formerly the hard drinkers were—there were the five-dozen men, as there had been the five-bottle men. His firm persuasion was, that the existing discipline, or at least the reserved power of inflicting it, could not be abrogated.

Sir *F. Burdett* said, that the subject was one of a highly serious nature, involving matters of great national importance. However brilliant the faculty of wit might be which any member possessed, it should not be displayed on so grave an occasion. To say the least, there was bad taste in being facetious upon questions which affected the sufferings of others. The best defence which could be set up for such jocularity was, that the speaker, like the gallant admiral who had just sat down, had been carried away by the flow of animal spirits. Now, as he understood the question, his hon. friend merely proposed to do that which had been the declared opinion of many able and intelligent men. The alterations which he proposed had been over and over again recommended by captains, commanders, and other experienced persons; nor had one single statement of his hon. friend received the slightest answer. His hon. friend contended, that there was no necessity to engage force on the side of government to man the fleets, if they would only proceed by the known motives of human conduct; namely, by holding out sufficient inducements for those who were to be invited to encounter the perils which hung upon the lives of those devoted to the maritime defence of the country. What was there to which any man could seriously object in this? And on what a mis-timed occasion did the argument of public economy, the only one which could be rationally opposed to it, occur? The ministers were pompous in their description of our growing resources and increasing mercantile prosperity. To hear them talk, one might be led to suppose that the Treasury was overflowing with wealth, and that the difficulty was in finding proper objects on whom to bestow it. When the House reflected upon what the government had thought proper to do, with respect to augmenting the salaries of the judges, and of another high personage; when they reflected that these augmentations were only the precursors of similar impositions upon the public, he was at a loss to conceive how they would support that government in their adherence to a system of impressment and of corporal punishment, merely to effect a result which they might effect by the more justifiable means of good conduct in the government of ships, and by paying the proper price of labour in the market of seamen's wages. At a time like the present, it very ill became that House to say, that the country could not afford the means of inducing men to enter the naval service by rewarding them according to the market price of their labour; but that the government were obliged to seize upon the services of the most important class of the community, and to compel them to a course of duty at a less rate of remuneration than that which they could obtain from private employers. At a time of profound peace like the present, was it for the House to say to those who had performed the most arduous and perilous services for the country, that they were not to enjoy the common rights of humanity; that they were still to be dragged from their families, and compelled to serve by terror and punishment, when they might, like other servants of the public, be tempted to perform their duties by proper remuneration? What, then, did his hon. friend propose? He merely said, "Let me, after well considering the subject, show how you may get rid of all these evils, which every one of you must equally with myself deplore." There was nothing asked but the liberty of bringing the proposition before the House for their adoption or rejection. The gallant admiral had treated his hon. friend as if he was incapable of comprehending these questions of practice—as if he could not be supposed equal to an opinion upon matters of fact. His hon. friend had proved too often his power in that way, to make a formal justification necessary. Ministers knew, and so did the gallant admiral, that the head of his hon. friend was full of very useful facts; for he must have surprised each of them in their turn with the knowledge which he evinced of matters connected with their several departments. His hon. friend proposed to take from the officers of the navy the dangerous powers of coercion which they now held. Was it to be endured that a beardless boy, armed with a little authority, should have the power of ordering up a veteran seaman, who had served his country long and faithfully, and for some trivial offence subject him to the most dreadful of all punishments. The hon. baronet said, that the 36th article of war was the only one acted upon; and that almost all the others ended with the word "death": but flogging, to a gallant and proud-spirited seaman, was ten thousand times worse than death; and nothing could more effectually show the necessity of some alteration in the system, than the fact, that thirty-five of the articles were so severe that they could seldom be acted upon. His hon. friend did not propose to do away with all punishment, he only wished that the system should be gradually ameliorated; that some control should be exerted over the passions of the officers; that some interval should take place between the offence and the trial, that there might be time for reflection; in short, he wished only that something like a military court-martial should be adopted, and that sailors should not be subject to the most degrading punishment at the whim and caprice of one individual. He proposed only a plan in a general way; and to this he did not see how ministers could object. An officer, who had long commanded an Indian ship, had publicly stated, that he had never found it necessary to resort to flogging. By suitable pay, and by holding out inducements to good conduct, he had always been able to keep his crew in the best order. As to the plea of the navy having a portion of wretches among them, whose principles and conduct could not be subdued without the roughest discipline, the answer was plain—they ought not to let such persons into the navy, any more than they were allowed to be in the army. For what was the effect of it but to degrade the honest, honourable, gallant men of our fleets to the low and brutalizing condition of discharged felons? God forbid that he should have any other view than that of giving equal advantages to the officers: the country could not find means to reward them in a way equal to their actions. The question was, whether the seamen of England ought not to be induced to enter the national service by a prospect of advantage; whether their situation, whilst serving, ought not to be made comfortable; and whether the means ought not to be afforded them of passing their old age in ease and security? The nation was quite rich enough, and it was bad economy to do otherwise. He had seen a treatise upon this subject, which clearly demonstrated to him that such a system would cost the country less in pounds, shillings, and pence, than the present grievous and oppressive system. In fact, they were doing nothing more or less than continuing in this country and upon its native inhabitants, that system of slavery from which they seemed so anxious to relieve the natives of Africa. This was, in itself, so preposterous, that he thought it needless to offer a word more upon this part of the subject. He maintained that the motion was calculated to produce a great deal of good, whether acceded to or rejected. It was now admitted that formerly there did take place in the navy, under pretext of discipline, acts of a most unjustifiable nature. He gave the Admiralty full credit for the steps which they had taken in the line of improvement; but it seemed to be with government as with certain other great philosophers, they required flappers to awaken them to the performance of their duties. Parliament might get a little good out of them, but they must not forget the flapper. Such was his opinion of the justice and fairness of the motion, that he did not imagine it would have been necessary to offer more than a single observation upon it. The gallant admiral opposite had, however, thrown so much of his own fancies into the subject, that the truth was, in a great degree, obscured. Nothing was stated which went to disprove that the prize-money as well as the wages of the seamen ought to be increased. He did not wish to deprive the officers of their share of pay and prize money; on the contrary, he would continue both to them to their fullest extent. Yet it should be recollected, that the officers had the field of honour as well as of promotion open to them, while the brave but humble seamen had but little chance of succeeding in the one, and hardly any of being noticed in the other. His hon. friend had complained of the looseness with which the 36 articles of war had been worded, and had observed that 35 of them carried with them the punishment of death. The gallant admiral on the other side argued thus: "true it is, that capital punishment is so awarded in 35 of the articles of war, and that they are not acted upon is a proof of our humanity, for death, death, death, is to be found in every one of them, and therefore you may trust to us in other cases." To this his answer was, that he would not unnecessarily trust such a power to any individuals. And he would say to that gallant officer and his friends near him: "If you will not have the laws of Solon, we will not have the laws of Draco, which are so bloody and cruel that we cannot act upon them, and we require in their stead some system guided by reason and justice, and which shall be sufficient to meet the exigencies of the case in question."

Sir *George Clerk* thought, that the hon. mover ought to have laid before the House some specific plan of amendment in our naval system, before he ventured to propose that which had been truly designated as a question which involved the whole interests of the navy. This he had not done, and therefore he should oppose the motion. The hon. baronet proceeded to point out the mistakes made by the hon. mover, with respect to the articles of war, and contended that even if the whole act of Geo. 2nd were repealed, still the captain would, by the common law, possess the power of flogging his men, for the preservation of discipline. He next adverted to the inconvenience of holding a court-martial in a ship upon every offence of disobedience, drunkenness, or petty theft, committed by the sailors, and observed, that if such a system were established, the number and severity of the punishments would be much increased. At present, the captain inflicted punishment upon his own responsibility, and subject to the opinions of the board of Admiralty, who inspected the monthly returns with great caution. But, let the punishment be once inflicted by court-martial, and the case would be altered. The captain would not be responsible, and as the offences complained of were almost always against the officers on duty, and not against the captain himself, the officers would take care to punish the offenders in every case. It was proposed to delay punishment. It was at present delayed more than twenty-four hours after the commission of the offence, and then it was attended with the greatest solemnity; the ship's company were called up, the articles of war were read, and the punishment was then publicly inflicted. It was said by the hon. baronet that beardless boys had the power of inflicting such punishment. He could only assure him that no such case had come to the knowledge of the Admiralty, and that if it had it would have been visited with deserved severity. He had never heard any man assert that corporal punishment in the navy could be safely abolished; and if so, to whom could the infliction of that punishment be so safely intrusted, as to the captain, who acted upon his responsibility, and under the immediate eye of the Admiralty? Confinement was recommended in preference to punishment within a proper time; but even this would conduce to the injury of the health of the prisoner, and deprive the vessel of the benefit of his services. Again, it was said, that the seamen in king's ships, might be paid as merchant seamen were. To this he would answer, that if the wages given in a man of war were to be increased from 34*s.* to 40*s.* per month still the merchant service would have the preference, as the men in merchant ships would enjoy a greater degree of liberty than the discipline of our navy could possibly allow. It had been observed, that returns from the "Bulwark" and other ships, shewing that no corporal punishments had taken place in them for some time, was an argument in favour of the abolition of corporal punishments altogether; but, as well might it be argued, that because there was no capital offence to be tried at the assizes in any single county, therefore all capital punishments should be abolished. With respect to the retired allowances to seamen, the hon. member appeared equally at fault. The fact was, that after twenty-one years, whether worn out, or disabled, or not, a man was entitled to a retired pension of 1*s.* 6*d.* per day; and if a petty officer, his allowance would amount to 45*l.* a-year. In answer to the observations about the prize money, he begged hon. members to consider the risk at which a captain of a ship made a prize. Should that prize not be allowed, he and his family might be ruined. He hoped that the House would not, upon arguments such as those advanced by the hon. mover, interfere with a system under which our fleets had achieved such immortal victories.

Sir *F. Ommaney* said, that the hon. mover had persuaded the House to repeal the combination laws, and now every town in the kingdom swarmed with insubordinate workmen standing out against their employers. He complained of the injustice done to all the gallant officers of the navy by this motion. As to prize money and wages, it was quite plain that the seamen and petty officers had more by half than they could spend. At a sea-port, half the houses were engaged in selling gin and rum to the sailors.

Mr. *Hume* in reply, observed, that the very able speech of the hon. baronet (sir F. Burdett) left him scarcely any thing to add. He, however, wished to observe, that if allowed to bring in his bill, he would lay before the House such documents as would make a case to satisfy those who opposed him upon this occasion.

Mr. *Sykes* bore testimony to the evils occasioned by impressment. Murders, assaults, and other offences, were frequently caused by it. A workman in his employ had left his axe at a distance, and two of his sons having played with it, the one cut off two fingers from the right hand of the other. The father was greatly grieved, but at length he consoled himself by the reflection, that the boy, when grown up, could not be impressed into the navy.

The House divided: For the motion 23; Against it 45; Majority 22.

List of the Minority.

Allen, J. A.
Bernal, R.
Blake, sir F.
Burdett, sir F.
Cole, sir C.
Evans, Wm.
Forbes, sir C.
Glenorchy, lord
Graham, sir S.
Grattan, J.
Grenfell, P.
Hobhouse, J. C.
Hurst, Rt.
Hutchinson, C. H.
James, W.
Lushington, Dr.
Monck, J. B.
Newport, sir John
Palmer, F.
Rice, S.
Robertson, A.
Warre, J. A.
Western, C. C.

TELLERS.

Hume, J.
Sykes, D.

Charter Schools of Ireland.] Sir *John Newport*, adverting to the motion which he was about to submit to the House, said, that the whole question lay in a very narrow compass. It regarded the propriety of taking some legal measures against a set of men who had, in the discharge of their functions, done every thing that was unjust, oppressive, and unwarrantable. Upon the management of those institutions which he was going to advert to, it had been his fate, for twenty-one years past, to address the House on a variety of occasions. In every case wherein he had exposed instances of the most gross mismanagement, and flagrant perversions of the public bounty, as connected with the Charter-schools of Ireland, he had been combatted, either with evasive promises or direct denials. In the meanwhile, the existence of the evils complained of was perfectly notorious; and some idea of their magnitude might be formed when he stated, that since the Union the public had at different times bestowed upon the support of the chartered schools of Ireland, nearly 600,000*l.* When the House adverted to the reports which had been, from time to time, made to them on this subject, how would hon. gentlemen on the other side be able to make out those assertions of immaculate purity and honest management which they had so loudly advanced in favour of those who immediately presided over those chartered schools? Unfortunately, it was no unusual thing for parliament to hear similar language about such matters. And many years ago, even, when the attention of the philanthropic Howard was directed to the chartered schools of Ireland and their condition, promises of amendment were held out, and the best hopes were excited. But, what had been the result of those promises? The schools in question, so far from being ameliorated, were deteriorated. In 1806, it appeared by one of the reports, that the chartered schools of Ireland were discovered to be exceedingly ineffective for almost all the excellent purposes of their institution, and full of abuses. It was in consequence of a petition from the archbishop, the bishops, and many of the dignified clergy, and of the most distinguished of the laity of Ireland, that the Charter-schools of that country were originally founded, and endowed with lands for the support and the furtherance of the objects of their establishment. The first of these schools was founded in 1734; and in the three following years seven more. The plan of founding these institutions carried with it so powerful a recommendation to the patronage of the public, that one individual, a Dutchman, subscribed 46,000*l.* three per cents towards their support; another person about 20,000*l.* and several other private characters very large sums; so that the rental of these schools, in consequence, now amounted to upwards of 7,000*l.* per annum. In 1808, a report was given in to parliament signed by the archbishop of Dublin and other distinguished personages who had visited these schools previously; and until 1817 nothing further seemed to have been done on the subject. In 1817, Mr. Thackery was appointed to examine into the condition of these establishments; and after Mr. Thackery, Mr. Lee. These commissioners stated, that at the period of their visitation the condition of the schools was far from satisfactory, and the system pursued in them most vicious.—Here the right hon. baronet quoted largely from Mr. Lee's report relative to the marked superiority of intelligence, vivacity, and apparent contentment, observable in the half-naked children of the neighbouring peasantry, over the children brought up at these schools; the cruel enormities practised by the masters, in the punishment of the children; such as seizing them by the throat, half strangling them by that means, and at the same time administering severe flogging with a cane; their employment on Sundays in preparing specimens of penmanship to be laid before the visiting committee of fifteen, because on week days some of the masters compelled them to work in the (to them) more profitable occupation of weaving. The right hon. gentleman next cited several passages relative to the chartered school at Stradbally. There the boys were asked by one of the visitors whether they were well used; and though they were cruelly treated, such was their terror of the master that they answered in the affirmative. Here a variety of details relating to the severity of some of the punishments inflicted at this school were entered into by the right hon. baronet who mentioned, among others, the case of a boy who was in one day nine times flogged with a leathern thong, and thus received about 100 lashes. As to the system of education, some of the boys were found to be ignorant whether the word "Europe" implied a man, a place or a thing. The master was a farmer, and therefore attended very little to his duty in the school. He made the boys work for him in his garden; and one day, when they had been working very hard, and were very hungry, a party of them ate one of his raw cabbages, for which he thought proper to punish them very severely. The House would observe, that there was left by the late bishop Pocock, a bequest for the establishment of a weaving school, and the building a place for the purpose of affording the scholars religious instruction. Now, by the reports, it appeared that out of 36 scholars in this establishment, there were only 13 who could read, and only six copy-books among the whole number of boys; the master could not teach, and there was no usher. Several of these scholars, however, were grown up young men. This was at Newport, in the vicinity of which, such was the anxiety for instruction among the peasantry, that at a cabin only two miles distant, 96 of their children met constantly to be taught. At another place, a young man had taken a stable for the purpose of teaching the poor, and so crowded was the floors of this place, that the children were absolutely obliged to betake themselves to the manger. At the Charter-school of Clonmel, there were only two scholars and no books; and for a master, one was a mere cripple, but who had a salary of 50*l.* per annum, and twenty-four acres of land, at a rental of 25*s.* per acre—the very next adjoining land, letting commonly at the time of the report at eight guineas, and now at six guineas per acre. Not only were the objects of these charities perverted; but the secretary prevented all complaints from reaching the committee. There was an understanding, indeed, between the registrar and the masters of these schools, who constantly made him presents, and advanced monies without interest. Now, the observations which he had addressed to the House, he did not mean to apply to all the parochial schools of Ireland, but only to those Charter-schools which were under the superintendance of masters who had so outrageously misconducted themselves. All his anxiety was, that those who had been guilty of these cruelties should be visited by the law; and taught to learn, that it would not suffer them with impunity to outrage humanity and justice, in their conduct towards the friendless and otherwise unprotected individuals who were confided to their care. He concluded by moving, "That an humble Address be presented to his Majesty, expressing the marked sentiments of regret, and indignation, with which the House of Commons perused the details of unwarrantable cruelty practised on the children in several of the Charter-schools of Ireland, contained in the Report presented to both Houses of Parliament by the Commissioners appointed by his Majesty for examination into the state of the schools of Ireland, and praying that his Majesty may be pleased to direct the law officers of the Crown in that part of the United Kingdom to institute criminal prosecutions against the actors, aiders, and abettors of those dreadful outrages, as far as they may be amenable to law."

Mr. *Goulburn* begged to state most distinctly, that there were no sentiments of regret and indignation at the acts which the right hon. gentleman had detailed in his speech, in which he did not most entirely concur. In making this distinct avowal, he was relieved from travelling through all the painful details. He was not relieved, however, from other difficulties arising from the period at which the report had been laid on the table, and from the circumstance of its being unaccompanied with those details to which the commissioners referred. If he were driven to the alternative of deciding whether the system of cruelty of which the commissioners complained should continue, or the resolution proposed by the right hon. baronet should be adopted by that House, he for one should certainly concur in that resolution. He thought, however, that it would be a much more expedient course to leave the remedy of these abuses to those whose official duty it was to inquire into them. The report had only been on the table of the House five or six days, consequently there had been no opportunity for the government here to have had any communication with the Irish government, as to the course which it might be expedient to adopt. The commissioners referred, in almost every page of the report, to the appendix. The real state of the Charter-schools could only be correctly appreciated by a careful perusal of that document. If, however, it should be the opinion of the House, that a sufficient case had been made out to justify the interposition of parliament, and that they ought to agree to this resolution, notwithstanding the assurance given by the government, that they had every disposition to bring the offenders to punishment, he for one should not raise his voice against it. As far as he was acquainted with the opinion of the noble marquis who presided over the government in Ireland, there was every probability that the recommendations of the commissioners would be attended to; but so attended to, he trusted, as to preserve the unhappy individuals concerned, from the evils which must necessarily result under either alternative, of a continuance of the present system, or of a change which might throw them upon the world in a state of helpless destitution.

Mr. *S. Rice* said, if he understood the right hon. gentleman, it was not his intention to oppose the motion.

Mr. *Goulburn* said, he should not oppose it, but he recommended the right hon. baronet not to press it.

Mr. *S. Rice* said, the House was bound not to overlook the case which had been made out. If this were a motion specifically criminating the master of Sligo, or any other individual, then there would be some reason why the House should wait for other documents. But, all that the House was called upon to declare by this motion was, that a primâ facie case had been made out sufficient to warrant them in requiring that legal proceedings should be instituted by the law officers of the Crown against the persons guilty of these atrocities. He was not disposed to leave this matter in the hands of the executive. The whole inquiry had been forced upon the government by parliament. If ever a document had been laid upon the table, which called for the interference of parliament, it was this report. The system of Charter-schools was a specimen of the old exclusive Protestant system in Ireland. It should not be forgotten, that the system of Charter-schools had been repeatedly praised and recommended by lords lieutenants of Ireland, and supported in that House; and that any opposition to that system had been constantly met by charging the opponents with hostility to Protestantism. The whole mischief of the system of Charter-schools had arisen out of the exclusive system on which it was founded. The report of Mr. Howard in 1787 had developed as great abuses as that now before the House; and the report of Mr. Thackery in 1817 exhibited scenes of still greater atrocity; yet no steps had been taken to bring the offenders to punishment. No less than 1,000,000*l.* of the public money had been voted for the support of these schools, of which 638,000*l.* had been voted since the Union; a sum which, if it had been properly applied, might have provided for the education of the whole population of Ireland. He trusted the annual vote would be resisted, in order that effectual means might be taken to provide for the education of the poor in Ireland. He should, if no one else took up the subject, move that the sum be given to the government of the country, and not vested any longer in the hands of the governors of the Charter-schools.

Mr. *Goulburn* said, that there had been a decrease of the grant for Charter-schools since he came into office, from 29,000*l.* to 19,000*l.*

Mr. Secretary *Peel* said, that the committee was not forced upon the government, for he had himself set forward the inquiry while secretary for Ireland, and had named the committee. In selecting the gentlemen, he had only regard to their qualifications. Mr. Glascock was unknown to him, but he was induced to appoint that gentleman, on account of the activity and zeal manifested by him on another occasion. Feeling that it was right to have a Roman Catholic on the committee, he had appointed Mr. Blake, an intelligent and active man, with whom he had no acquaintance. Mr. Grant he had never seen in his life; and, in adding the name of his hon. friend (Mr. Frankland Lewis) to the list, he had given an additional proof that impartiality was the great object he was anxious to attain. Two questions arose out of the case at present under consideration. The first was, as to the policy of continuing the system; and the second, as to the propriety of punishing those who were concerned in the abuses. What he was anxious for was, that the consideration of the question should be postponed until they had the appendix to the report. He had no difficulty, however, in stating, that from the report itself, the inference was inevitable, that the system of the Charter-schools was one that did not admit of correction. That it was one which ought to be extinguished altogether, as soon as possible. The House would be glad to hear, that the report was not two days in the possession of government before an order was sent, desiring that they should not admit any more into the schools, but should take steps to reduce the numbers, without interfering with any of those who were already admitted. He was sure the right hon. baronet would admit, that the commission of 1806 was more favourable to the system of the Charter-schools than the present report, and that the commission was a sufficient warrant for a man in office to act upon. If prosecutions were to follow, he would not suffer himself to make any comment that could, by possibility, prejudge the question. If it could be judicially proved, that cruelties were exercised, such as the committee had reported, it would not be sufficient that the individuals should be dismissed; they should be punished, not vindictively, but with a view to deter others. No one, he was persuaded, would suspect him of a wish to screen such persons from punishment; but, if the House should resolve to prosecute those individuals, let them have the benefit of a fair trial; let not parliament interfere, so as to prevent an impartial decision, which they must do if they adopted the words of the resolution. He hoped the right hon. baronet would so far alter the wording of his motion, as not to assume the guilty practices that were to constitute the subject of inquiry.

Sir *F. Burdett* said, that the candid manner in which the right hon. gentleman had met the question, would, in all probability, satisfy his right hon. friend and the House.

Mr. *Frankland Lewis* observed, that there were no less than thirty documents relating to the transactions before the House. That fact would, he thought, be sufficient to prevent them from acceding to the resolution. The masters had been already dismissed from some of the schools; and seeing that they had been already punished, he would submit whether it would not be unjust to punish them again.

Mr. *J. P. Grant* thought the House would not consider the dismissal of the schoolmasters sufficient, without adopting prosecution. If prosecution was determined on, every expression should be excluded from the motion which had the slightest tendency to prejudge the cause of the individuals. But, the House might feel it necessary to back the government by a distinct expression of their feeling. Next to the horror which he felt at the practices which the committee had discovered, was the surprise that they had been so long permitted to continue.

Mr. *C. Grant* said, that he had always entertained a strong opinion, that the system of the Charter-schools must ultimately work out its own destruction. He did not certainly suppose that such enormities as were detailed in the report were in existence, because the system was so strictly under the superintendance of the clergy and the most eminent men in Ireland. But there were evils inherent in the system, such as those of separation from parent and child, and proselytism under suspicious circumstances. At length, however, there was but one opinion entertained respecting its merits. That which had so long been considered the bulwark of the Protestant establishment, was now acknowledged to be the greatest stigma which attached to it. He was not sorry for that, because he was of opinion, that the more the Protestant religion was relieved from such incumbrances, the better for it.

Mr. *J. Smith* thought, that the ragged and half-starved schoolmasters, bad as they were, were not the most guilty persons; but that inspectors of the schools deserved that character.

Mr. *F. Lewis* said, that the inspectors were deceived by the false statements of the masters.

Mr. *Grattan* congratulated the House, that the facts had at last been made public, and thought the commissioners deserved the thanks of the country.

Mr. *V. Fitzgerald* concurred in all that had fallen from the Secretary for the Home Department; but, should the right hon. baronet press his motion to a division, he should be ashamed not to give it his support.

Sir *J. Newport* then withdrew the motion, and the following was agreed to nem. con., "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions to the law-officers of the Crown in Ireland to institute criminal proceedings against the persons concerned in the cruelties detailed in the Report of the Commissioners on Education, so far as they may be amenable to law."

Duke of Cumberland's Annuity Bill.] On the motion, that the report of this bill be now received,

Mr. *Warre* said, that, having been prevented by illness from expressing his decided disapprobation of the proposed grant; he would now move, as an amendment, "that the report be received this day six months."

The House divided: For the Amendment 60; Against it 106. Majority 46.

Corn Trade — Canada Corn — Warehoused Corn.] Mr. *Huskisson* said, it was his intention, in the bills which he proposed to bring in, to give effect to the alteration which had been agreed to in the laws with respect to Canada corn, and to give an opportunity for bringing into the market a quantity of corn which had been rotting for several years in the warehouses. There was nothing in the first measure calculated to excite the jealousy of the English corn-grower, and the advantages resulting to the public from it were such as the House could not disregard. When he stated, that in the course of the last twenty years, an average quantity of from 50,000 to 60,000 quarters of corn had been annually imported from Canada, he thought he said enough to prove that, under any circumstances, the quantity of that corn imported could not exceed 100,000 quarters. To bring this to England would employ from 20,000 to 30,000 tons of British shipping. He was confident that those who were afraid of an inundation of corn would find their fears unfounded. It was therefore his intention, in conformity with the amendment in the other House, to move for leave to introduce a bill for establishing the free intercourse in the article of corn between Canada and this country, for the space of two years. This course would enable parliament to revise the measure, if at the expiration of the period it should be deemed necessary. Nor would this be a great indulgence to Canada; for, by the existing law, Canadian corn could be introduced when the price was 67*s.* He should, therefore, move for leave to introduce two bills; the one for permitting corn to be imported from Canada, the other to allow the release of the warehoused corn.

Mr. *Ellice* expressed his decided opinion, that it was impossible that such a quantity of corn could be imported from Canada as to justify any jealousy on the part of the corn-growers of England. He suggested that this corn should be admitted duty free.

Mr. *Whitmore* said, that if the government did not redeem its pledge next session, of doing something on the subject of the corn-laws, he should himself bring forward a measure with respect to them.

Mr. *J. Bennett* thought it would be better to let the existing law take its course.

Mr. *Huskisson* felt every desire to attend to the suggestion of the hon. member for Coventry; but, if the corn averages should get below 67*s.*, which they might do, the consequence would be, that the Canada wheat would not get in at all. It was to the ultimate effects, however, of his measure, both as regarded this country and the colony, rather than to any present advantage, that he was looking.

Mr. *Sykes* thought the measure was a bonus to Canada, and would be of primary importance to the consumers of this country. It would also have a tendency to render the price of corn steady.

The motion was agreed to.

BUCKINGHAM HOUSE.] The House having resolved itself into a committee on the Buckingham-House Land Revenue act,

The *Chancellor of the Exchequer* said, that he should be able to put into very few words all he had to address to the House upon this subject. Carlton-palace was at the present moment in a very dilapidated state. It was, in fact, so far unsafe to inhabit it, that, whenever a large assembly was held in the upper rooms, it became necessary to prop up the lower ones. As the expense attendant upon the necessary repair under such circumstances would, of course, be considerable, it was conceived that it might be more convenient to abandon Carlton-house entirely, and make Buckingham-palace the royal residence in future. Now, there was one immediate desideratum which would be attained by this arrangement. On part of the ground which Carlton-house now occupied, a new building for the Royal Academy might be erected; and probably it would also afford one for the intended National Gallery. It would be easy, upon other portions of this site, to erect a series of handsome dwelling-houses, the value of which would cover a considerable part of the expense to be incurred; but, as this must be a matter for profit hereafter, and money was wanted immediately for the repair and fitment of the new residence, it would be requisite for parliament to take measures with respect to that supply. He would therefore move, "That it is expedient to authorize the application of part of the Land Revenue of the Crown for the repair and improvement of Buckingham House."

Mr. *Ellice* trusted that the new palace, when completed, would do credit to the national taste, and not be such a building as had been erected at Brighton and other places. There was one circumstance to which he decidedly objected, and that was the encumbering the ground upon which Carlton-house and gardens now stood with new houses. We were already out-built all over the west-end of the town; and he deprecated any arrangement which should take away the little space and air that still remained. With reference to the expense, he would just suggest, whether it might not be met mainly, or entirely, by the sale of some of those ground-rents which the Crown had in such profusion all over the parish of St. James's? He could wish, moreover, that this scheme had been brought forward before the additional buildings were begun at the British Museum.

The *Chancellor of the Exchequer* said, it was not intended to cover Carlton-house gardens with buildings, but there were some offices attached to the house, the site of which could not be applied to a better purpose.

The resolution was agreed to.

HOUSE OF COMMONS.

Friday, June 10.

Duke of Cumberland's Annuity Bill.] On the order of the day for the third reading,

The Marquis of *Tavistock* said, that as this was the last opportunity the House would have of discussing the subject, he rose to state the grounds upon which he objected to this grant. He objected to it upon three grounds; first, because it was more than was wanted for the purpose to which it was to be applied; secondly, because it established a bad precedent; and lastly, and more than all the rest, because it was demanded for one purpose, and was going to be applied to another. If the grounds on which this grant was called for, were not as he had stated, he called upon the chancellor of the Exchequer to state that the whole of it would be required for the education of the young prince of Cumberland. If the right hon. gentleman would lay his hand upon his heart and say, that he believed that the whole of the grant would be so expended, he would believe it, though at the same time he must think that the expenditure would be most extravagant. He was, however, sure, that the right hon. gentleman would not make any such declaration. He had a high opinion of the integrity of the right hon. gentleman, and was sorry that he had not fairly faced the real question, and asked of the House to make an additional grant of 6,000*l.* to the income of the duke of Cumberland. If the right hon. gentleman had proposed such a grant, he for one would not have objected to it [hear]. As far as he had heard, there was no specific charge ever brought forward against his royal highness, and though it was true, that he had somehow or other forfeited the good opinion of the public, he had been sufficiently punished already; and it would be harsh to withhold from him that allowance which had been already granted to the other members of the royal family. Though he should not have objected to a direct grant to the duke, he disliked granting money for one purpose, which was to be applied to another; and objected to the dishonest way in which it was now attempted to obtain it from the public. He was certain that in private life the right hon. gentleman would not condescend to practise so paltry a trick. He had another objection to this grant. By giving so large a sum to so young a child, the House would be establishing a precedent which it would be extremely inconvenient to follow. He had witnessed with pleasure the wise and liberal policy which had recently been adopted by ministers, and especially by the right hon. Secretary for Foreign Affairs. He was, therefore, at a loss how to express the astonishment he felt at seeing them risking the great popularity they had so justly acquired, by making themselves parties to a juggle like the present.

General *Palmer* said, he had hitherto taken no part in the question, as he could not give a silent vote, and was unwilling to trouble the House with his opinion; but further consideration, and justice to the party whose honour and interests were at stake, determined him to combat his reluctance to address it. He was one of those, who, in the former instance had supported the motion for the same increased allowance to the duke of Cumberland that was voted to his brothers under the same circumstances; and had always considered the rejection of that measure an act of injustice to his royal highness, and an insult to the honour and feelings of the Crown. It was, therefore, solely upon that ground that he must vote for the present bill, condemning it in all other respects. He had before declared, and now repeated his conviction, that the only real enemies of the Crown were its own ministers; nor, since he had been in parliament did he remember a single question wherein its honour and interests were concerned, that all the discredit brought upon it was not solely to be imputed to them. They, and not the people, were its constitutional advisers, and their neglect compelled others to the painful and invidious task of doing their duty for them. Either they dared not tell the

Crown the truth, or purposely brought it into collision with the people to divert their attention from acts of deeper mischief, and thus throw a tub to the whale. As to the present bill, had they only renewed it in its former shape, with the simple statement that his royal highness, after ten years' absence, was desirous of returning to England with his family, in the only way that, consistently with his honour and interest, he could return, viz. by being placed upon the same footing as the other branches of the Crown, the present ground of objection to the bill would not have existed; instead of which ministers had not only run their heads against a wall, but actually built it for the purpose. In place of a grant of 6,000*l.* to the only party wishing it, they called upon parliament for double the amount, for reasons false in themselves, or which, if true, were revolting to the sense and feelings of the people, and humiliating to all the parties brought forward, excepting that illustrious female whose exemplary conduct had gained her the esteem and admiration of the country. But the individual who, if not a party to the act, had been placed by ministers in an invidious light, was he whose splendid means, afforded him by the country, had hitherto prevented that application to parliament, which the chancellor of the Exchequer had now deemed to be necessary, and to whom he must say, that upon the face of that application, discredit attached somewhere; and whoever the cap fitted, the party ought to wear it. But his chief object in addressing the House, was to defend the individual whose personal character had been the sole ground of opposition to that grant in a former instance, the real object of the present bill; and with respect to which, no member of that House had at that time, felt a stronger prejudice against the party than himself, for reasons connected with his political conduct; but the same motive which had dictated his former vote, called on him now to declare his conviction, that no man had been more grossly calumniated than his royal highness. As to his politics, was it unnatural that, born and educated at Court, with a bishop for his tutor, he should be a Tory in his principles, and like all others, whatever they might pretend, an enemy to civil and religious liberty? But in private life, he knew that his royal highness was in all respects, a manly, open, honourable character, a most kind and affectionate husband, further, that he was neither a spendthrift nor a gambler; but from the liberality of his nature, had been led into difficulties which had compelled him to reduce his establishment and live abroad, because the House of Commons had withheld that assistance which would have prevented the necessity. Lastly, as to the cause of his unpopularity, which a right hon. gentleman had ascribed principally to his marriage; the real ground had been stated by another hon. member —viz. his zeal in the service of those who by their "No Popery" cry had turned out their opponents: but the crime brought its own punishment, in the resentment of the persons he had offended; whilst he was deserted by his own party, especially that individual who had made a tool of him, as he had since made of another, and who, for which last act, deserved impeachment as much as any minister who had yet been brought to the scaffold.

The *Chancellor of the Exchequer* said, he must still maintain the necessity of placing additional means at the disposal of the duke of Cumberland, for the education of his son. Over and over again, he must declare, that this grant was not intended as an addition to the income of his royal highness; and that, if that son had not been born, the proposed addition would not have been made. The king's ministers, upon contemplating the necessity of securing for the royal child an education in England, felt that the means of effecting such a purpose should be placed at the disposal of the father, and more particularly as his royal highness did not enjoy the addition of 6,000*l.* a-year, which had been made a few years ago to the incomes of the other princes. It would be most unjust of the House to require his royal highness to reside in this country for the purpose of educating his child, and thereby to place him, in a worse situation as to pecuniary matters than he stood in before.

Mr. *Tierney* said, he could not allow the bill to pass, without expressing the reasons which influenced him to oppose the grant. He begged of the House to believe him, when he declared, that in judging of this proposition, he threw out of his mind the former transactions relating to the duke of Cumberland. Were his royal highness the most popular prince in England, still he should oppose such a motion as this, from the unwarrantable precedent which it set. How could the government draw a distinction between the step which they now proposed, and that which the House had already twice rejected? What had occurred since to alter the relation of the parties? Nothing but the birth of a child, still in early infancy; while a parliamentary provision of 6,000*l.* a-year was required for his education, forsooth! In bringing this question forward, the government had thought proper to couple the cases of two children who were very differently situated. The alteration which had taken place in the families of the dukes of Kent and Cumberland, since their marriages, when additional incomes were applied for, was this—the duke of Kent had died, leaving his widow not the income which he had himself enjoyed from parliament, but merely her jointure, and an infant daughter. For the education of that daughter her royal highness applied not to parliament, although it was manifest her means would not enable her to maintain it suitably with its destined station, were it not for the kind and liberal supply afforded her by her brother the prince of Saxe Cobourg, who not only volunteered to defray the expenses of this child now, but for many years to come; so that the mother was relieved from the burthen cast upon her, without any further call upon the country; nor had it been her intention to make any when the grant in her case was proposed. What was the case of the duke of Cumberland since the former period? He, too, had had a child, but one four degrees removed from the Crown; and yet this child, in the tender age of infancy, was put forth with a claim of 6,000*l.* a-year, for purposes of education, as some gentlemen stated; but he would plainly ask, was it for such an object, this large sum was called for? He would plainly say—no. It was a grant to the duke of Cumberland and not to his child; and his objection was that it was so. But he had strong objections to this bill on a variety of grounds. It differed in the preamble from all former bills of supply for the members of the royal family. All that the House could find in the preamble of this bill was, that "it is expedient to provide for the education of a son of the duke of Cumberland." He utterly denied any such expediency. Let the House, then, remember the ages at which it was thought fitting to apply to parliament for a provision for the princes of the royal family. The duke of Sussex was twenty-eight years of age before such an application was made for him; the duke of Cambridge was twenty-nine; the duke of Kent thirty-two; and the duke of Cumberland twenty-eight. Why, then, with these precedents, was it deemed expedient to grant this little prince 6,000*l.* a-year? Nobody had asked for it. With whom, then, did the notion originate? At first, he confessed he was caught with the idea of having this young prince educated in England; but, on more consideration, he had changed his opinion; for if, as was said, the duke of Cumberland preferred a foreign residence, it would be cruel to tear from him a child of such tender years. And then, how came the sudden aversion for having a young prince educated in Germany? Did they not know, that his late majesty of beloved memory was in the habit of sending his children to Germany for education? What the mischief was, he really did not know. He could quite understand, that if this child had grown up, it might be right to guard him against the chance of any inoculation of the abominable principles of the Holy Alliance; but, how a child of six years old could be in danger he was at a loss to comprehend. All former grants to the royal family were expressly guarded by the king's control; but now they were called upon to give the money, by virtue of letters patent, not to the king, but to the duke of Cumberland. He disliked this departure from the old practice, which always recognized the king as the head of the royal family, and, further, gave the constitutional responsibility of the ministers for the due appropriation of the money. Here all these guards were broken down; and if the duke of Cumberland should pocket the money, and not leave his son a sufficient time in England for his education, he was convinced that no man would step in, and insist upon the unnatural separation of father and child; and this he knew, that his majesty was too good to insist upon such a breach of natural affections. A good deal had been urged respecting proper assurance of the education of the child in England, and but little comparatively upon the constitutional principle of the grant. In 1806, when an additional 6,000*l.* a-year had been granted to the members of the royal family, 7,000*l.* a-year was placed at the disposal of the king for the education of the princess Charlotte: the present king, the father of her royal highness, was then prince of Wales, but the money was not intrusted to him, but to the king, the grandfather of the young princess. Let the same course be pursued on the present occasion, and then he should get rid of the greater part of his objection to the motion. He would defy any man to put his hand to his heart and state any reason why they ought to part from the old and wholesome precedent. He could not comprehend the meaning of all this, nor why the ministers chose to commit themselves thus with the country.

Mr. Secretary *Canning* said, that among the topics introduced by the right hon. gentleman, he had principally dwelt upon the form of the bill, and complained that it left his majesty without that due control over the application of the money, which had been interwoven in all former grants to the royal family. Now, he denied that the right hon. gentleman had put a fair construction upon the meaning of the bill; for, as the bill was drawn, the House had a sufficient guarantee for the application of the money to the purpose for which they had intended it. For it was provided, that two things should be ascertained before a single payment was made by virtue of the bill: first, whether it pleased his royal highness to reside with his family in England, and superintend in person the education of the young prince; for in that case there was no doubt the money was intended immediately to pass into the hands of the royal duke. But, supposing it did not please the duke of Cumberland to take up his residence in England, and that he determined still to reside abroad—and really upon that point his majesty's government were at present without any information to guide their opinions—then, unquestionably, it would be the duty of his majesty's government, before they issued the money, to take such steps as would ensure the application of it according to the conditions upon which the grant was framed. So that in either alternative, the House had the assurance that their intentions could not be frustrated. Why it now pleased the duke of Cumberland to select a foreign residence, it was not their province to inquire; and while, on the one hand, it would be harsh to make this grant the positive condition of his return, so on the other they had every chance of tempting him to reside in this country. But, in any view of the subject, whether he resided here or not, still they secured a British education for a British prince. Indeed, the right hon. gentleman himself admitted, that he was first struck with the propriety of securing such an object, though he had afterwards altered his opinion: so that the only difference between the right hon. gentleman and his majesty's ministers was this—that they maintained the opinions they had set out with, while the right hon. gentleman had abandoned his. The government thought the young prince should be brought up here in England, and thus recorded the expediency of that opinion in the bill. And they must, in looking at the subject merely in a pecuniary view, at once see, that the duke of Cumberland did not benefit in that sense, when they considered the great additional expense which would be entailed upon his royal highness by the transference of his residence to this country, or by the arrangements here for the education of his child. Whether the whole of this money would be, pound by pound, applied to the education of the young prince in the first year or in the second year, he was not prepared to say; but this he would say, that as the grant was intended by his majesty's ministers to cover the public allowance for the whole minority of the prince of Cumberland, he thought it no more than a fair average of the actual expenses of such a personage until he had attained his full maturity. It was, he thought, the fair and preferable, the more respectful and delicate, course, to come at once with the general sum which was adequate to the general purpose, and not year after year be recurring to parliament for fresh supplies to meet a growing expenditure in the royal family. He knew not why such a proposal should be stigmatized by the epithets of dishonest, uncalled-for, and unconstitutional. No man could deny the principle, that it was proper to have a British prince educated at home. Neither could it be asserted that, covering the whole minority, the proposed grant was more than enough for carrying that principle into effect. He denied the application of the right hon. gentleman's precedents to the case before the House. In all the previous cases, the increase of income was at the time common to all the members of the royal family in whose behalf it was made; but here was a case in which they had denied one member of the illustrious family upon the throne, a grant which they had conferred upon the rest; and that personage having had subsequently born to him a son, in whose education the public had an interest, it was deemed right to secure to the parent the means of fulfilling that public expectation. Undoubtedly, it was right for the House, in that as well as in every other case, to guard the expenditure of the public money; but, it was unfair to impute motives to government which were not warranted upon the face of the transaction. He for one disclaimed any hidden motive in proposing this grant. It was to enable the duke of Cumberland to give his son a British education; it was to promote a subject of national importance; and, neither in the principle nor in the manner of its application, did he see any thing from the responsibility of which he shrunk to participate.

Mr. *Brougham* said, he gave the right hon. gentlemen opposite entire credit for their declaration, that they were on this occasion uninfluenced by sinister motives. And it was further due to them to say, that they had at length put this question upon its fair issue, and had frankly avowed, that the only reason for conferring this grant upon the duke of Cumberland, was, because his royal highness had not obtained this 6,000*l.* a-year. In other terms, that the object in which the chancellor of the Exchequer had been frustrated in the years 1815 and 1816, was to be carried into execution in the year 1825. But, though the ministers said this, the bill did not; for the bill said the money was to be given for the education of the child. But he differed with the right hon. gentleman as to the power which he thought he would possess over this bill when it passed through parliament; he differed from him as to the construction of the law; and was sure his view would be sustained by the Crown lawyers and the lord chancellor, were the case referred to them as the legal advisers of the Crown. The act of parliament was imperative; and, from the moment it passed, the money became, as of right, vested in the duke of Cumberland. It would be then too late to negociate about its application to any other purpose than that to which it should please his royal highness to appropriate it. The right hon. gentleman would recollect, that in a late bill, the Catholic bill, the omission of the two words "shall and may," in the optional commission for regulating certain matters touching the question then at issue, had so altered the legal construction of that part of the bill, that they were obliged to re-cast it, and take from the Friday to the Monday before they could send it to that place, where it met the fate of all other bills which had for their object toleration for civil and religious liberty. It had been said, that there was a difference between the case of this infant and that of the other princes of the royal family who had been previously provided for; because they, meaning his late majesty's sons, had lived under the royal paternal roof, with all the advantages which attended it. Now, he must deny that to be the fact. The princes of the blood were completely emancipated from the paternal roof in early life—unless, indeed, the paternal roof could be supposed to cover the towns of Lisbon, and Gibraltar, Halifax, and Nova Scotia, and to have formed the garrisons where some of these illustrious princes had resided. The duke of Gloucester's case was still more in point; for there the income was rendered dependent upon the natural demise of his royal father. There was no getting rid of such a precedent; nor any seeing the length to which it was capable of being unconstitutionally carried. The duke of Sussex, except the allowance made to him by parliament as one of the royal offspring, had never received one shilling of the public money, in any manner, or form, whatsoever. It was the lot of that illustrious prince to have married a lady in a foreign country, and by that most unfortunate of all acts, the royal marriage act, such foreign marriage was illegal in England, by the very worst of all human laws —that same identical royal marriage act, which had been well described by Mr. Wilberforce as the most unconstitutional act that disgraced the Statute-book; and for the violation of such an act had his royal highness suffered by a heavy diminution of his income. The pecuniary effect of that step had been, to reduce the income of his royal highness, to 13,000*l.* a-year. The duke of Sussex had never applied for an increase of income—he had never dreamt of applying for it; never had he compounded with his creditors; always had he ensured for each of them a course of payment for 20*s.* in every pound of debt which was contracted. By his royal highness's excellent management, with the assistance of a learned person who superintended his affairs, his debts had been reduced from 100,000*l.* to a very inconsiderable residue. They were now sunk to a sum hardly worth mentioning; and, this had been effected without exposing his royal highness to any circumstances, whereby the royal dignity could be degraded in his person. He trusted he had now redeemed his pledge by resisting this bad measure, to the utmost of his power. The last stage was at hand, and he hoped to God the House might still do its duty, and act so as to look back on that night's vote with satisfaction. But, be the event what it might, they on his side had done their duty, and could look confidently to the people for support. Nor had they any reason to expect that even the prince, whose wishes they had opposed, would misconstrue the integrity of their motives. The illustrious House to which he belongs, is renowned for a magnanimous spirit towards fair and honourable adversaries. The duke of York freely overlooked, both officially and as an individual, the part taken by those who, in 1809, had the painful task to perform of censuring his conduct. Her late majesty, the most persecuted of women, was also the most forgiving. She had left behind her an illustrious personage closely connected to her by blood and affinity, who partook of that magnanimous spirit of forgiveness, which so eminently characterized that royal lady. The late Mr. Perceval received his forgiveness and enjoyed his favour. The same forgiveness had been extended to his successors in place; and a much less important person, the individual who then addressed them, though far removed from such conflicts, yet by the accident of the times, having come into what inferior minds might deem a collision with that highest quarter, where false rumours were propagated by interested malice or by intrigue, as if the faithful discharge of his public and professional duties had incurred the personal displeasure of the sovereign, had the extraordinary satisfaction of knowing that a gracious, and the more gracious because a voluntary, assurance had been given by that illustrious personage, that all such rumours were utterly without foundation. The duke of Cumberland would after that night's vote, he had no doubt, show, by his candid construction of their motives, that he belonged to the same family with the duke of York, the late queen, and the sovereign himself.

The House divided: Ayes 170; Noes 121. The bill was then read a third time.

HOUSE OF LORDS.

Tuesday, June 14.

Colonial Intercourse Bill.] Earl *Bathurst*, in moving the second reading of this bill, entered into a history of the law respecting Colonial Intercourse, and stated the object of the present measure. After describing the dispute which had arisen with the United States on the subject of trade with the British colonies, he observed, that in all former measures for regulating the colonial trade, prohibition was the rule, and admission the exception; whereas, in the present bill admission formed the rule, and prohibition the exception. Besides the regulation of the colonial trade, the extension of the warehousing system was another object of this bill. The part which related to that object allowed all goods to be warehoused either for importation or exportation, and authorized re-exportation, without subjecting the merchandise to any additional duty. There were certain articles which after importation could not be exported without paying a duty imposed for the protection of British trade; but it was not thought necessary that this protection should any longer exist. Warehouses might therefore be established on a more extensive system than the former state of the law authorised. Their lordships would observe that this was a complete abandonment of what had hitherto been regarded as the English colonial system; but it was an alteration which the changes in the political and commercial relations of other nations with respect to this country required. The trade of the colonies would, by this bill, be identified with the trade of the mother country. Formerly, no trade was allowed between the colonies and this country, except in British ships; no trade was allowed between one colony and another, except in British ships; and, in the same manner, no trade was allowed between one port of this country and another, except in British ships. It could no longer be said that we placed our colonies in a worse situation with respect to trade than the United States. The colonies would now not only enjoy the same advantages as the United States, but colonial vessels would be entitled to all the advantages of British ships. In short, the colonies were now placed in the same situation, with respect to trade, as if they formed parts of the mother country. The changes which Europe and the new world had undergone had naturally produced this change in our colonial system. Whether the states of America which had recently separated from their European connexion would make the same stupendous progress with those which had set them the example remained to be seen. They were still exposed to warfare, and the contest in which they were engaged might be continued; but, in the midst of that warfare they presented to other countries the advantages which were to be derived from neutral trade.

The Marquis of *Lansdown* said, that the present bill, which proposed to make a most important revolution in the navigation-law of this country, had his cordial assent. He owned he felt great satisfaction at seeing this measure brought forward; not merely because he had long entertained the opinions which it was at last proposed to sanction, but because he himself had endeavoured to carry the same principle into practice. He had, in the other House of parliament, recommended a more liberal intercourse between our colonies and America; and now, after the lapse of nineteen years, that course was about to be adopted. The measure which he recommended was, indeed, compared with the present, weak and partial; but, feeble and inefficient as it was, it was the subject of repeated divisions in parliament, and out of doors; it was denounced, solely on the ground that it had a tendency to do what this bill proposed to do. The friends and present supporters of the noble earl opposite cried it down, because it led to that freedom of intercourse which ministers now took credit to themselves for establishing. Their lordships must now perceive, that if they wished to retain the colonies, the best way would be to render them, as far as possible, capable of engaging in every kind of trade, and susceptible of every advantage which would be open to this country. He was aware, that, upon whatever principle they proceeded with respect to the colonies, it was still possible that a crisis would arrive that a separation must take place; but it was their duty to try to endeavour to retard it to a distant period. At the same time, while they were sensible that it could not be prevented, they ought to make provision that when it did occur, it should take place with circumstances as little injurious as possible. Of the good effects of what had already been done they had an example in the increase of trade—not merely of trade by foreign shipping, but by an increase of British navigation. He had understood that other measures in connexion with the present were to have been brought forward. One of them, he understood, was a regulation which would have the effect of removing duties on certain articles of West-India produce, which could not enter into competition with British produce or manufactures. Nothing could be more desirable than the adoption of a system which would tend to the establishment of a system of free labour. All their lordships, he was sure, were earnestly desirous to see free labour substituted for the system which at present prevailed in the sugar colonies.

The Earl of *Liverpool* thought that the bill had been wisely introduced. A measure had been brought forward on this subject when the noble marquis was chancellor of the Exchequer; and he had felt it his duty to oppose it, thinking that the time and circumstances, in which it was brought forward were unfavourable to its adoption. Now, however, circumstances were much changed. South America had nearly effected its independence; and when that was once established our colonies would cease to exist as such, and must be considered as integral parts of Great Britain, as much as London, or Liverpool. By placing them on that footing, we secured their attachment; and, if at any future time they should be separated from us, that separation would thereby be rendered much less dangerous. The bill before their lordships could not be looked upon as an infringement of the navigation-laws. It allowed foreign ships to bring to the colonies only the produce of their respective countries, and take back to their own countries the commodities of the colonies; but it did not admit such ships to any part of the carrying trade, so as to take the produce of the colonies between nations to which such ships did not belong.

EQUITABLE LOAN BILL.] Lord Dacre moved the second reading of this bill.

The Earl of *Lauderdale* expressed his surprise, that after all that had fallen from counsel on the subject of the illegality of this bill, his noble friend should have moved the second reading, without stating any one ground why it should be so read. However, he would consent to the bill being sent to a committee, in order to have the deed made a part of it; and, on the third reading it would be for their lordships to consider how far it ought to receive their sanction. His objection to this bill did not arise from wanton prejudice, but from a strong feeling he had of the injurious tendency of joint-stock companies. He could not concur in the assertion, that joint stock-companies encouraged competition. So far from it that he thought the direct effect of them was to destroy all competition, and to bring the most ruinous consequences upon trade. From the nature of such companies, they could not carry on trade so beneficially to the country as private individuals.

The *Lord Chancellor* observed, that if this company were not illegal, it might be for their lordships to consider whether it would be useful to the community to grant them the privileges for which they sought; but, if they were illegal, it might be asked on what ground did they claim any privileges at all? It was admitted, that until the signing of the trust-deed, the company was unquestionably illegal. He had no objection to allow the trust-deed to form a part of the bill. After it had passed the committee, it would be competent for their lordships to discuss whether the bill, as it would then stand, was or was not a fit measure for legislative sanction; and he would take care that the twelve judges should be summoned to give their opinion as to its legality. He begged to be understood distinctly as neither admitting or denying the legality of the company, until the deed formed a part of the bill.

Lord *Dacre* expressed a hope, that when the deed was embodied in the bill, their lordships would give the measure all that consideration to which it was so well entitled.

The bill was read a second time.

HOUSE OF COMMONS.

Tuesday, June 14.

Exportation of Machinery.] Mr. *Littleton* said, he presented a petition from the inhabitants of Nottingham, stating that they had heard, with great alarm; that a select committee had been for some time deliberating on the expediency of allowing the free exportation of machinery, and praying that the House would not repeal the existing laws on that subject. The petition detailed, with great clearness, the progress of machinery in this country, and the immense advantages which the exclusive possession of it gave to our manufacturers, as compared with the manufacturers of foreign countries. These advantages were also shared by the agriculturists of this country, as the superiority of our manufacturers enabled them to purchase agricultural produce at a much higher rate than they would otherwise have the means of doing. The petitioners also stated, that if, in compliance with the present fascinating doctrines of free trade, permission were given to export their machinery, they must become citizens of the world, and accompany it; as a continued residence in their own country, exposed to the evils of extensive competition with foreign manufacturers, whom such a measure must enable to meet them triumphantly in the market, would be impossible. He strongly recommended the petition to the attention of the House. If it should be deemed advisable to make any change in the present law, he thought it would be well worth while to consider whether it would not be expedient to empower the board of trade to exercise their discretion with respect to the particular description of machinery, the exportation of which might be prejudicial to our manufactures.

Mr. *Birch* perfectly concurred in the sentiments of his hon. friend.

Mr. *Huskisson* observed, that he had listened with great attention to the statements of his hon. friend, on a subject which was certainly of great importance. The final report of the Select Committee, which had been appointed in the last session, and renewed in the present, for investigating how far it might be expedient to repeal all the prohibitory laws in our Statute-book, had not yet been made. For himself, he was certainly inclined to think, that such a repeal would be very advantageous, but he well knew that a strong persuasion existed among a large body of the manufacturers that it would be attended with the greatest injury to their interests. He had no doubt that the further reports of the committee would throw great light upon the subject; and enable it to be more distinctly seen how far the superiority of our manufacturers was attributable to machinery, and how far to other causes. It ought to be recollected that we had already permitted the free exportation of labour. Our mechanics might go whither they choose. Why the exportation of machinery should be placed on a different footing he was at a loss to conceive.

He was, however, by no means disposed, in the present state of alarm on the part of the manufacturers, and without the production of some further information on the subject, to propose the repeal of the existing prohibition. He could not help adverting to the observation of his hon. friend, that he should not object to the repeal of the prohibition, provided the Board of Trade were empowered to use their discretion with respect to the exportation of certain articles of machinery. Now, he felt considerable doubts with respect to the expediency of such a course. It would throw on the Board of Trade a most invidious task, and would inundate them with applications, on the merits of many of which they would find it exceedingly difficult, if not impossible, to decide. He could also assure his hon. friend, that as the Board of Trade was at present constituted, it had as many duties to discharge as it could well get through.

Mr. *Hume* agreed with the petitioners that it was a question of great importance and one on which greater prejudices existed among the manufacturing community, than on any question whatever. On that account, he was anxious not to press forward the question of repeal in any manner that might have the appearance of precipitation. He was convinced that the preeminence of the manufactures of this country, might be attributed to many other causes besides machinery. Nor did it appear to him to be less evident, that notwithstanding the apprehensions of the manufacturers were great, they had not adduced a single fact, or advanced a single cogent argument to show, that those apprehensions were well founded. He trusted the committee would soon be able to lay a report on the table of the House; although throughout the session they had not obtained any very extensive information on the subject; which was extraordinary, when it was considered that those individuals, who like the present petitioners were hostile to the exportation of machinery, had been requested to send to the committee persons to explain their views, and to point out what were the particular articles of machinery, from the exportation of which they apprehended so much injury. The fact was, that, at present, by means of smuggling, machinery of all kinds was very extensively exported. The Board of Trade now gave licenses for the occasional exportation of machinery, which was contrary to law. What he wished was, that that should be done legally, which was now done illegally.

Mr. *Baring* was glad to find, that there was no disposition in any quarter to hurry the decision of the question. If any rational doubt existed, the interests of our manufacturers ought certainly not to be risked. It was clear, however, that many articles of machinery might be exported without any danger to the interest of the manufacturers. It was necessary that a discretionary power should be reposed somewhere, and he did not know where it could be so well reposed as in the Board of Trade. With regard to the weight of the existing duties of the Board of Trade, no man could be more ready than himself to acknowledge the unwearied diligence of the right hon. gentleman and his colleague, and the great benefit which the country had derived from their exertions. It might, however, be desirable to extend the Board for this particular purpose, by the introduction of some persons capable of forming a judgment with regard to the descriptions of machinery, the exportation of which ought to be either restrained or permitted. In a short time a body of precedents would be formed which would serve as a guide to all parties. As he had adverted to the Board of Trade, he would express his surprise that there was no public provision made for its members. Discharging as they did the most arduous duties, it was extraordinary that they had no public provision. He should cordially concur in any proposition that might be made to that effect by the chancellor of the Exchequer, from whom it could with more propriety come than from any other quarter.

Ordered to lie on the table.

CONDUCT OF MR. KENRICK, A SURREY MAGISTRATE—PETITION OF M. M. CANFOR.] Mr. *Denman*, in presenting a petition from a person named Martin Canfor, thought it incumbent upon him to call the attention of the House to the contents of that petition, which appeared to him to contain matter, and to involve consequences of the utmost importance. In consequence of some mistake, the notice he had given upon the subject had been construed into a notice relating to the body of the magistracy in Surrey; but the petition was only against one individual magistrate, who was also one of the judges of the Principality of Wales, and whose name was Kenrick. He felt it incumbent upon him, to call the serious attention of the House to the whole conduct of that individual, with reference to certain transactions of a nature which made it necessary that the Crown should be informed of the manner in which he had dishonoured his magisterial functions. He was quite aware of the difficulty of the subject; for, since the Judges had held their appointments upon the condition of their good behaviour, no motion of this sort had come before the House. This might be ascribed to the circumstance, that no judge had placed himself by impropriety of conduct in such a situation that parliament could interfere; or, it might arise from an unwillingness to bring forward charges against persons exercising such high and important functions. No honour was likely to be gained by any member, in bringing forward charges of such a serious nature. It would have been by far more satisfactory to him, and certainly more decorous to the public, if this business had been taken up by his majesty's ministers, who had, or were supposed to have, a more than ordinary solicitude for the characters of those who administered the laws. The subject divided itself into two parts. The first related to the facts disclosed in the petition; and the second would involve a variety of facts disclosed in affidavits brought before the court of King's-bench, in last Hilary term. The statement which he held in his hand, appeared to afford sufficient proof, that Mr. Kenrick had conducted himself, in the exercise of his duty as a magistrate, in a manner so highly objectionable, as to render him a very unfit person to hold any judicial or magisterial office. It fixed upon him the guilt of partiality, violence, and malignity, exhibited in his imprisoning an individual who was in some degree under his protection. Mr. Kenrick was bound by every sense of duty as a magistrate to protect the individual from that oppression from others, which he practised against him himself. The whole of these facts were stated in an affidavit produced in the court of King's-bench. But this was not the only part of Mr. Kenrick's conduct that was open to the most serious animadversion. There was another case, in which Mr. Kenrick was not acting as a judge, but as an individual prosecuting a poor neighbour. This case had excited the strongest sensation, and much anxiety had been evinced as to what the conduct of government would be upon the occasion. In that case, he could undoubtedly prove, by Mr. Kenrick's own affidavits, that he had conducted himself in a manner which rendered him totally unfit to occupy the offices which he continued to hold. He should propose that the petition should be printed; that the affidavits produced in the court of King's-bench should be moved for, and afterwards printed; that the whole of these papers should be put into the hands of the members, and then inquiries might be pursued, and proceedings adopted relative to the individual concerned, in the first case, and finally, relative to the pure administration of justice.

Mr. *Denison* said, he had the honour to represent the county of which Mr. Kenrick was a magistrate, and he was also a neighbour of that gentleman. He was therefore acquainted with his private and public character, and he could bear testimony to the propriety of his conduct in private life. Mr. Kenrick had personally communicated to him his most earnest wish, that his conduct should undergo the strictest examination; that the affidavits should be printed; and that the whole business should be brought forward. But it certainly was the wish of Mr. Kenrick that the affidavits should not be printed before the matter was in a course of investigation.

Mr. Secretary *Peel* complained, that the learned member had not given any notice of the probability of his calling upon the House to exercise their functions of addressing the Crown for the removal of a judge. The course adopted by the learned gentleman was perfectly correct—to bring up the petition, and not to notice it until all parties should have had an opportunity of examining it. He was far from wishing to throw any obstruction in the way of fair investigation; and he only complained that the learned member had not given sufficient notice of his intention to move for the affidavits. The first question in his mind was, whether the affidavits would contain a correct, impartial, and entire statement of the case? His other objection was, the advanced state of the session. If there were no probability of prosecuting the subject in the present session, he put it to the House, whether it was quite fair to present charges against an individual six months before the case could be investigated?

Mr. *Denman* thought, that the present session would afford sufficient time for all the necessary proceedings upon this case. He did not maintain that the affidavits were sufficient; he only moved for them as documents that ought to be attended to by the House. Their production would not put Mr. Kenrick in a worse situation than that in which he had for some time stood; for the substance of those affidavits had appeared in all the newspapers, and they had been discussed fully in the court of King's-bench.

The *Attorney-General* denied, that the merits of this case could be ascertained by any thing that had passed in the court of King's-bench. The defence of Mr. Kenrick had never been heard; his counsel had not been allowed to address the court in his favour, on account of the case going off entirely upon a point of form. The counsel were heard in opposition to Mr. Kenrick. One of them alluded to an affidavit, by which it appeared that Mr. Kenrick, in reference to an article in "The Morning Chronicle," had made an objectionable statement in the Stamford newspaper. Upon this the court interposed, and would not interfere with reference to the publisher of "The Morning Chronicle." Mr. Kenrick's rule was discharged, but the opposite party did not obtain the costs. The court had passed no opinion upon the subject of Mr. Kenrick's conduct to Franks, nor ought any member to pass his judgment, until an opportunity had been afforded of investigating every part of the case. With respect to the case contained in the petition, the trial never did take place. The plaintiff's counsel had agreed to a compromise; and the House might judge of the serious nature of the charge, when they were informed that the terms of the compromise were, that Mr. Kenrick should pay the sum of five pounds, with the costs, as between attorney and client.

Mr. *Scarlett* thought it would be an act of great injustice to Mr. Kenrick to have the affidavits printed, unless the House were to enter immediately upon an investigation of the case. Mr. Kenrick, by the rules of the court, had had no opportunity of replying to these affidavits, nor could he now reply to them if they were to be printed by the House. If the affidavits were true, Mr. Kenrick was certainly a very improper person to hold the office he did hold; but they might not contain all the truth, and even the truth they did contain might be palliated by circumstances.

Mr. Secretary *Peel* expressed a hope, that the learned member would not press for the production of the affidavits; but that he would bring the measure forward in the shape of a specific charge.

Mr. *Denman* said, he was anxious to give the learned gentleman the fullest opportunity of defending himself. The papers he sought to bring forward were not the affidavits on the other side, but the documents produced by Mr. Kenrick, and upon which the court of King's-bench refused to make absolute the rule for a criminal information against "The Morning Chronicle." He took the case as it appeared in the affidavits. If the allegations therein contained were true, then Mr. Kenrick was unfit to hold a judicial situation; if they were false, then the most effectual way of contradicting them was by an inquiry, such as that which he now proposed.

Mr. *Wynn* pointed out the expediency of following the course pursued in the case of Mr. Baron Page, against whom charges had been preferred, and who was allowed to be heard at the bar. If the charges against Mr. Kenrick were to be made upon oath, he would have no opportunity of denying them with the same solemnity, unless the matter went to a committee, in the same way that the charges against the chief baron of Ireland did.

Sir *M. W. Ridley* said, it would be showing great kindness to the individual in question, to proceed with all possible despatch, as he was most anxious to have the imputations cast upon him removed as quickly as possible. Indeed, that gentleman felt that he could not, with propriety, proceed to the exercise of his functions as a judge, until those charges were satisfactorily cleared up.

Mr. Secretary *Canning* thought, that after the appeal of the hon. baronet, the case ought to be investigated as speedily as possible. But the difficulty was this—the learned member proposed to the House to receive, not the substance of the case, but the sworn affidavits presented against Mr. Kenrick in the court of King's-bench. Now, if this were done, he knew of no course which would enable the accused party to oppose to those statements a negative of equal authority or solemnity. As the only negative—the House not having the power to examine upon oath—

would be a mere verbal one. The affidavits sought for contained a great deal of irrelevant matter, and did not exactly apply to the case. Under such circumstances, he put it to the learned member, whether it would not be better to shape his case according to the recommendation of his right hon. friend.

The petition was then brought up and read. It purported to be the petition of Martin Money Canfor, formerly of Charlwood, Surrey, farmer, but now of Church-street, Stoke Newington, Middlesex, butcher, and setting forth,

"That in May 1824, the Petitioner lost several sheep from their feeding on Charlwood Common; that the petitioner immediately commenced an active search and inquiry for many miles round the neighbourhood of his residence, and ultimately discovered that one of such sheep was in the possession of a person of the name of William Beale, residing near Betchworth: that the petitioner thereupon proceeded to the place of the said W. Beale's residence, and instantly recognized his said sheep, although it was in a fold with others, and had been shorn of its fleece, and he thereupon claimed it of the said W. Beale as his property, and required the production of the fleece, which the said W. Beale admitted he had himself taken off, but the said W. Beale refused either to show the fleece to the petitioner or to give up the possession of the said sheep; that the petitioner, therefore, determined to exhibit a charge of felony against the said W. Beale, but being a stranger in the neighbourhood he inquired for the residence of the nearest magistrate, and was directed to William Kenrick, esq. of Betchworth aforesaid; that the petitioner immediately proceeded to the House of the said W. Kenrick, and saw one George Adams, his butler, who, ascertaining that the petitioner had a charge of felony to prefer, refused to introduce him to the said W. Kenrick until he had communicated all the particulars of such charge, which the petitioner was therefore compelled to detail to the said G. Adams; that upon the petitioner's introduction to the said W. Kenrick, he repeated the circumstances of his charge against the said W. Beale, and requested the said W. Kenrick would grant him a search warrant, in order to enable him to secure the fleece of his said sheep, expressing his apprehension that the said W. Beale would otherwise destroy or conceal it, in order to prevent satisfactory proof of the petitioner's property; that the said W. Kenrick thereupon began to write something on a slip of paper, and the said G. Adams having offered him the form of a search warrant; the said W. Kenrick observed, 'the note I am writing to Beale will do as well;' but the petitioner, humbly representing to him that he was apprehensive that a note would be of little use, as the said W. Beale had already refused to produce the fleece, and that he therefore was anxious to have a search warrant, the said W. Kenrick became much enraged, expressed his determination not to proceed on the complaint, and ordered the petitioner to quit his House; that the petitioner, finding that he had no chance of obtaining a search warrant from the said W. Kenrick, and being desirous at all events to secure his property, he submissively requested the said W. Kenrick to finish the note which he had originally proposed to send to the said W. Beale; that the said W. Kenrick accordingly wrote such note, and delivered it to the petitioner unfolded, and which note is in the words following:—'These are to request you will deliver to the bearer the fleece of a sheep admitted to have been taken by you from Westwood, in order that it may be produced as evidence before me on a charge of felony, or bring it with you to my house, and show cause why you should not do so.—W. KENRICK. That after the said W. Kenrick had written such note, he required of the said G. Adams, the Christian name of Beale, the person accused, who answered 'William, ours is named James' (as the petitioner understood), and the petitioner has since discovered, that the word 'ours,' referred to a brother of the said W. Beale, who is in the service of the said W. Kenrick as his bailiff; that the said W. Kenrick desired the petitioner to deliver the said note to the said W. Beale in the presence of a constable, but immediately afterwards observed, 'you may deliver it yourself, a constable is unnecessary;' that the petitioner accordingly carried the said note to the said W. Beale, who refused to receive it, whereupon the petitioner, in the presence of several persons, read the same to him, but the said W. Beale treated it with indifference, and stated that he would not give up the sheep or produce the fleece; that the petitioner discovering that the said note was so utterly ineffectual, and being apprehensive of making another application to the said W. Kenrick for a search warrant, he went before Imp Burgess, esq. a justice of the peace residing at Reigate, who declined to interfere in a charge which had been before another magistrate, and recommended the petitioner to call again upon the said W. Kenrick on the subject; that the petitioner, in consequence of such advice, returned to the said W. Kenrick, on whose grounds, near his house, the petitioner found the accused person, the said W. Beale; that the petitioner was interrogated by the said G. Adams as to the object of his visit; and having informed him of the said W. Beale's disregard of the said note, and of the petitioner's desire, in consequence, to prefer his charge against him, the said G. Adams informed the petitioner that the said W. Kenrick would have nothing further to do in the business, and that he refused to see the petitioner again; that the petitioner expressed his regret that, after the trouble he had taken, and the expense he had incurred, he should be deprived of redress, provided as he was with clear evidence to prove the unlawful taking of his property by the said W. Beale; whereupon the said G. Adams observed to the petitioner, that the said W. Beale had stated, that the petitioner had agreed to refer the question of property in the said sheep to a Mr. Cutler, which the petitioner instantly denied, and thereupon the said G. Adams requested the petitioner to call the said W. Beale, who did not repeat such statement, but pressed the petitioner to refer the matter to Mr. Joseph Nash, who is the land-agent of said W. Kenrick, and resides in his neighbourhood; that the petitioner, despairing of further assistance from the said W. Kenrick in the investigation of his charge against the said W. Beale, and apprehending from the refusal of Mr. Burgess, that no other magistrate would interfere, and that he was in danger not only of losing his property, but of incurring the imputation of preferring a groundless accusation, he was induced to abandon his charge of felony, and to consent to accompany the said W. Beale to the house of the said J. Nash; that the said W. Beale having produced to the said J. Nash, and a Mr. James Ede, the fleece of the said sheep, and the petitioner having shown them the fleece of another sheep of the petitioner's with a corresponding mark, they instantly decided that the fleece in the possession of the said W. Beale was the property of the petitioner, and they ordered the said W. Beale to give up the same, together with the said sheep, which he accordingly did, and the said J. Nash and J. Ede gave to the petitioner two notes or certificates of their judgment on the subject; that the petitioner, having thus obtained his property, and being in the neighbourhood of the said W. Kenrick's residence, he considered it right to wait upon him, in order to inform him of the result of the investigation, and the petitioner took with him the fleece which had been so restored, and the two notes or certificates before-mentioned; that the petitioner, upon his arrival at the said W. Kenrick's house, was shown into a room in which the said W. Kenrick and the said G. Adams were; that the said W. Kenrick desired the said G. Adams to shut the door, and immediately desired the petitioner, in a peremptory manner, to deliver up the note which the said W. Kenrick had written to the said W. Beale, and whilst the petitioner was in the act of producing it, he again, in a very loud tone, commanded him to produce it directly; that the petitioner, not attaching much importance to the said note, had no intention of withholding it from the said W. Kenrick, but being surprised at the shutting of the door, and at the agitated manner of the said W. Kenrick, he requested to be permitted to take a copy of such note; whereupon the said W. Kenrick became more violent, and addressing himself to the said G. Adams, said, 'I appoint you a special constable; search that man for the note;' that the petitioner resisted the attempt of the said G. Adams to search him, as he was clothed with no proper authority for that purpose; and the said W. Kenrick therefore directed that one John Batchelor the constable of the parish, should be sent for; and the petitioner was confined in the said room until the arrival of the said constable, for the space of nearly an hour; that when the said J. Batchelor entered the room, the said W. Kenrick pointing to the petitioner, said, 'There constable, is your prisoner;' and as the said John Batchelor hesitated, apparently waiting for the particulars of the charge, the said W. Kenrick, addressing him in a tone of great anger, said, 'constable, do your duty; seize him, and search him for a note;' that the petitioner having ascertained that the said John

Batchelor was really a constable, he submitted without the slightest resistance; and the said John Batchelor, having collared the petitioner, searched him, and took from him the said note, and also, by the direction of the said W. Kenrick, took possession of the said fleece; and the said W. Kenrick then ordered the petitioner to quit his house, which the petitioner left immediately, under the apprehension of further violence; that for this imprisonment the petitioner brought his action against the said W. Kenrick, and the cause stood for trial at the last assizes for Surrey; that the petitioner might reasonably have expected considerable damages for the injury he had sustained; but, being actuated by no vindictive motive, and being solely anxious for some acknowledgment, on the part of the said W. Kenrick, of the impropriety of his conduct, at the request of the counsel of the said W. Kenrick, the petitioner consented to accept a verdict for five pounds, upon the express understanding and condition that the petitioner was to be at no expense in the matter or the cause; that the costs of the said action have been taxed and paid, but the petitioner has sustained a considerable loss in tracing and obtaining possession of his property, for which he has not received the smallest satisfaction or indemnity; that the petitioner disclaims all personal hostility to the said W. Kenrick, which he submits, has been sufficiently indicated in his desire, by the compromise of the said action, to prevent a detail of the foregoing facts, where the interests of the petitioner were alone concerned, but inasmuch as the petitioner feels, that there was a denial of justice on the part of the said W. Kenrick, in the case of the said W. Beale, by which a charge of felony was suppressed and defeated, the petitioner is led by a sense of public duty to state the circumstances for the consideration of the House, offering at the same time to verify all that he has alleged, in such manner as may be considered expedient and necessary; that the petitioner is induced to consider an investigation of this case more peculiarly important, from the circumstance of the said W. Kenrick being one of his majesty's justices of the great sessions in Wales; the petitioner does not presume to suggest the course to be adopted in the event of the establishment of his charges against the said W. Kenrick, but submits in all things to the discretion, authority, and wisdom of the House; the petitioner, therefore, most humbly prays, that the House will be pleased to institute an inquiry into the truth of his statement, and that they will adopt such proceedings thereupon as to them may seem meet."

Mr. *Denman* said, he wished to explain to the House the disadvantageous situation in which he was placed. If he had not founded his motion upon affidavits, he would then have been told, that he rested his case upon hearsay, and unfounded report. But now that he took a different course, he was told that the grounds upon which he went were too grave and solemn to be met by the simple denial of Mr. Kenrick. All he wanted was the production of the affidavits of Mr. Kenrick, upon which the court of King's-bench refused to make absolute the rule for a criminal information against "The Morning Chronicle."

Mr. *Baring* said, that the sort of objections urged on the other side would almost lead to the suspicion (undoubtedly unfounded) that it was the desire of ministers to screen the individual against whom the charge was made. They incurred a heavy responsibility in the course they now pursued, and he thought merited reprehension for not themselves bringing the case before the House. It ought not to have been left to his learned friend, from a sense of public duty, to submit a motion upon it. The first information he (Mr. B.) had obtained of the case was from the speech of the Attorney-general in the newspapers; and after that speech, censuring as it did the conduct of a judge of the land, it seemed strange that he should be allowed still to preside without inquiry, in some shape or other, into his case. Had the power, as formerly, remained with the Crown, it would have been unquestionably the duty of ministers to have investigated the subject; but, though the power was now vested in parliament, ministers ought not to have waited until a volunteer on the opposition side of the House called its attention to the misconduct of the judge. Yet that judge had been allowed to go his circuit in Wales as usual, even after the speech of the Attorney-general. [The Attorney-general said, across the table, that he had not made that speech in his official capacity.] He was aware of that circumstance, but the charge was aggravated, and it was pressed by the Attorney-general with a degree of earnestness, and apparent sincerity, which ought to have induced government to institute a solemn inquiry. In what state did the question at present stand? The whole subject was to remain over until next year, because it was late in the session. The right hon. gentleman had expressed his hope, that, in the mean time, the House would suspend its judgment; but, would the individual against whom the charge was made, in the meantime suspend his judgment? No; he was to be permitted to go his circuits, and to dispense justice, as a judge of the land, as usual, with very grave accusation hanging over his head. Suppose the charge had, by possibility, related to any of the judges of England, such a state of things would not have been endured; and he saw no reason why Wales should not be treated as England, merely because it was a little further off. Next, as to the partiality of the proceeding: his learned friend was willing to rest the whole case on the testimony Mr. Kenrick had given for himself. If so, there was an end of all supposed injustice, and want of equality and reciprocity on the ground of evidence. It seemed to him, therefore, that the House might form a fair decision on the question without delaying it until another session.

Mr. *Denman* then moved for a copy of the affidavits filed by Mr. Kenrick in support of a rule for a criminal information against William Innell Clement, and the affidavit of Mr. James, filed to prove Mr. Kenrick the author of a letter printed in the "Stamford News"; which was agreed to.

ESTABLISHED CHURCH IN IRELAND.] Mr. *Hume*, in rising to submit a motion relative to the present state of the Church Establishment in Ireland, said, he was fully aware of the importance of the question, and of the responsibility attaching to any individual who introduced a proposition of this consequence into parliament. But, being strongly impressed with the opinion that much of the evils which had so long afflicted Ireland arose from the present condition of its church establishment, and that that establishment, so far from promoting the welfare and happiness of the people, produced a precisely contrary effect, he had determined to bring this most important subject fully before the House. He would have declined to do so, but that he believed, so long as that establishment existed on its present footing, there could be neither peace, unanimity, nor security for Ireland. He would shortly state the grounds upon which he had come to such an opinion, and why the House ought to entertain his proposition, and, at an early period of the next session, inquire into the state of this establishment, with a view to effecting such changes in it as the circumstances of the times might seem to require.—Having in three preceding sessions entered at great length into the principles, and stated the details upon which that proposition was bottomed, he would not now detain the House by going over the same matters again. Many of the facts that he had advanced on former occasions, and which were then strongly contested, had been since conceded by those who then opposed him; and much of the argument with which he was then met had been since, as if it were by common consent, withdrawn. The main object of his motion, therefore, he could not help thinking, had made some progress. He was well aware of the necessity and importance of religious instruction in every community; and was quite satisfied, from his own experience in Scotland, of the benefits to be derived from a system, the pastors of which attended regularly to their sacred duties—were never absent from the sphere in which they were to be discharged—and were, from January to December, occupied in the anxious care of those who were confided to their ministry. From a system like this, much real benefit had been, and ever would be, derived: the public approbation must sanction it; and it would be found of the highest advantage to the community among which it obtained. He did not object, therefore, to the establishment, as an establishment for affording religious instruction to the people; but he called upon parliament, as it formerly adopted the Protestant profession as the best calculated for the interest of the English people, and the Irish reformed church as the best adapted for Ireland, to say, whether, in regard to the latter country, circumstances had not since occurred which made it expedient for the legislature to revise what it had so done? If it should be found that the present Irish church establishment was not in any respect adapted to the due discharge of the duties it had to perform—or was larger than the state of that country, or the nature of its society, required—or was better paid than was necessary, was it too much to say, that the House would not be performing their duty, if they did not alter its condition? Dr. Paley had described a church establishment to be "only a means towards an end;" and the same authority declared, that "religious establishments could not be shown to form any essential part of Christianity, but were only the means of encouraging it; for it could not be proved among the early christians there was any religious establishment." From this authority, he (Mr. Hume) inferred, that as christians they were not bound to any particular established form of worship; but that it was competent to the legislature, as heretofore, to decide, if the establishment which it had formerly authorized should be found not to have answered the ends proposed, upon altering it; that as parliament had once determined for the Protestant, and at another time for the Roman Catholic religion, as the religion of the state, so it might again change its determination in this respect. It was a favourite maxim with some, that with the established religion of any state, the state itself must fall. He thought a more dangerous maxim was never broached, either as regarded the welfare of the government, or of the church. The hon. gentleman then went on to contend, that the church in all ages had manifested its subserviency to the government; which the latter had recompensed by the gift of proportionate privileges and property. But he was of opinion, that the government should always stand upon its own footing, independent of the church. It was highly proper that the state should render the church the means of instructing the people, but the church had never benefitted in character or religious principle by its political connexion with the state. He begged that this distinction might be kept in view, that hon. members would exercise a common degree of discrimination, and then he should not be again cavilled at for revolutionary intentions when he called upon the House to interfere.—This course of reasoning brought him to the question, what prevented the House from inquiring into the state of the church establishment of Ireland? The law, it might be said, had constituted the Protestant the established religion of Ireland; but, the power that made that law might revoke it, and if it saw reason, might make the Catholic, or any other religion, the religion of the state. Referring to the events which had taken place in the reign of William 3rd, he found good ground for believing, that that monarch intended at one time to make the Catholic the established religion of Ireland. In one of his letters to the government of Ireland, he had required them to pass an act, establishing that church which should be most consonant with the wishes of the people. Circumstances intervened to prevent the accomplishment of this injunction; and matter of endless regret it must be, that they should have done so; for had Ireland obtained the Roman Catholic as her established religion, in the same way that Scotland had obtained the establishment of the Presbyterian as hers, there was every reason to believe, looking to what had happened in Ireland within the last 120 years, that she would have enjoyed by this time a century of peace, happiness, and prosperity, instead of anarchy and misery—that she would now have been a flourishing nation, and that England, instead of her gaoler, as it were, would have been regarded by her as her benefactress. In what a condition was Scotland when it was attempted to force upon her a religion which was not more generally disliked by the Scotch than Protestantism now was by the great body of the Irish people? Did not bloodshed, violence, and insubordination prevail, until Presbyterianism was finally established as the religion of Scotland? It was not for him to say whether the Catholic, Protestant, Presbyterian, Hindoo, or Mussulman religion was the true faith. He was not called upon to decide that point. The question was, what ought to be the conduct and policy of a government in this respect, which wished to promote the prosperity of the people. He was satisfied that all that had happened to Ireland, since the time when Scotland obtained a religion of her own choice and settlement, might have been avoided if just measures had been adopted. She had been deprived of the hard earnings of her industry; had been degraded far below her true rank in society; and had been most unjustly deprived of her civil rights. The page of history could furnish no instance of a country in the condition of Ireland for the last century. The truth was, that the governing power in England was worse than in any other part of the world; yet it claimed to be superior, and would fain establish an exclusive right to the title of liberal. If then, under this superior, this liberal government, such a train of fatal consequences had followed the establishment of the Protestant religion in Ireland, was it not now time to inquire? Why had not the House, during this long series of years, endeavoured to discover the cause of the existing evils, and to ascertain whether they did or did not originate with the church? Four years ago he had been anxious that a committee should be appointed; and if the motion had been carried, the foundation might already have been laid for important improvement. It was not a question of religion that he wished to impress upon the House, but a question of state policy and of humanity towards Ireland. Parliament would abandon its character, if, knowing the evils, it did not do its utmost to ascertain their cause, and to apply a remedy. In the early part of the session he had been anxious to bring this topic under the consideration of the House, but he had given way to the more general motion of the hon. baronet (the member for Westminster). The fate of the measure of the Catholic Relief bill, which had passed one House of parliament and was thrown out in another, left no doubt, that the church, and the church alone, had prevented the accomplishment of so great a good. Regarding emancipation, therefore, as essential to the happiness of Ireland and to the security of England, he could not too strongly impress upon the House, the necessity of removing all impediments to its attainment. As long as the church of Ireland maintained its present preponderating influence, the meed of justice would never be conceded; England would never have the satisfaction of granting, nor Ireland the benefit of receiving. He well knew that all future attempts of the same kind must be hopeless, unless the government of the country took up the question, and supported it as a government; if that course were pursued, the church would soon discover, for no class was keener-sighted in matters that concerned their own interests, that it was necessary to give its sanction to the measure of emancipation. Much had been said on former occasions regarding the danger to religion, and he would here notice an opinion, of sir W. Temple, which he had found only a few days ago, and which seemed singularly in point as to the views and objects of the clergy. Attempts had been made to introduce some alteration, for the benefit of the community, at the expense of the church, and which, of course, the church resisted, upon which sir William observed, that "the clergy were united more than any other body in society, by one common bond, in the pursuit of one common interest; they professed that their object was the greatness of the church, but it was indeed their own: they sought their own honour, power, and riches, and not the honour, power and riches of the church: that was their object, their consideration, and their care." Such were the words of sir W. Temple. It was a question, therefore, entirely of property—the church benefices and the church bishopricks. Leaving, then, the religious part of the subject, he would ask why, if it could be shown that the present number of bishops and clergy generally was not required in Ireland, that they were payed at a higher rate than they deserved, and than the people could afford, an inquiry was not to be instituted? If the army, the navy, or any other establishment of the kingdom were too large, or too expensive, the House consented to reduce them; and what was there that should make the church an exception to the rule? Attempts had, indeed, been made, to distinguish the clergy from other branches of the state; but there was no just ground for any such distinction. Nobody would deny that the origin of property was in the law; and, therefore, if the public good required it, it was in the power of the law to take away the church property. The clergyman did not know his successor, nor could he leave it to whom he pleased; and in that lay the grand difference between church property and individual property. If, then, it was not in a clergyman's power to dispose of his property, it would be no act of injustice in the law to make a fresh arrangement as to that property. He would ask any reasonable man, when he found how completely the present arrangement in Ireland had failed, whether it was not necessary to consider of some plan for remodelling the system? If the clergy were the only means to amend, he would like to ask them what it was they proposed to do as to the education of the poor? Of the population of Ireland, one-fourteenth were Protestants, one-fourteenth Dissenters, and the remainder, six-sevenths were Catholics. If this was the just proportion, he maintained that the established church of Ireland was much overpaid; since the money it received was given for the education of all the poor, while in fact it was only a very small portion of the population that received instruction at his hands; yet no one would hear of reduction in any way, though there were 550 persons connected with the church, and receiving the clerical sums of Ireland: at one period the number had been reduced, and he therefore saw no reason why they should not again be doubled up. For his part, it was his firm belief, that the church business of Ireland would be better done if the number of bishops were reduced from twenty-two to four. He did not intend to complain of any of the bishops; for he dared to say, that if he was one of them, he should be as anxious as they were to continue to hold the lands. What he objected to was the system, and not the men. On viewing the whole property of the church, from the best statements, he did not think that he was over-rating it, if he set it at two-millions and a half, exclusive of the tithes; and he was thoroughly satisfied, that with one hundredth part of that sum the system might be as effectually carried on as it was at present. He would, however, just allude to a printed speech that had been made in another place, by the bishop of Limerick, in which that right rev. prelate had observed, of his statements, that they would have come better from the convicted libellers of Ludgate-hill, than from a member of the House of Commons, in his place. However, as the language of the bishop turned out to be rather abusive, he thought, that if it would inflict disgrace any where, it would be on the right reverend prelate himself, and not on him. He (Mr. Hume) had formerly stated, that there were 531 non-resident incumbents in Ireland; but in this he had been contradicted by a right hon. gentleman (Mr. Plunkett), who had maintained, on the authority of a bishop, whom he had consulted for that purpose, that they only amounted to from 25 to 30. His (Mr. Hume's) calculation had been formed on the principle, that those who did not live on their livings were non-residents; and consequently, when any clergyman held several benefices, he was necessarily non-resident on all but one, if not on all of them. The pamphlet of the bishop of Limerick, in which that reverend person professed to refute the statements which he (Mr. H.) had made with respect to the non-residence of the clergy was full of misrepresentations. Upon his own shewing, there were no less than thirty-three clergymen in his diocese who were not incumbents; though he had excepted them from the class of non-residents, because they had duties to perform elsewhere. The bishop of Limerick had declared, that the precise amount of the income of the bishops in Ireland was not known; nor did he wish that any inquisitorial examination should take place with a view of ascertaining it. The tithe system in Ireland called loudly for reform. He (Mr. H.) had in his possession warrants for enforcing the collection of tithes on the poorest classes of the community, the amount of which tithes in some cases did not exceed *2d.* and 2½*d.* The payment of tithes was enforced with the greatest rigour in parts of the country, where the greatest distress prevailed. In the county of Clare there had been 153 trials for the recovery of tithes within a limited period, in Kilkenny 712, in Limerick 823, in Tipperary 819, in Waterford 347, and in Tyrone 317. When cases of this description were brought before the Consistorial Courts, it was impossible that justice could be done to individuals by a court which might be considered as itself a party. In his opinion, it was highly improper that any clergyman should be allowed to sit on the bench in any case connected with tithes, since it tended to bring their character, which ought to be sacred, into contempt. Thus, a bench, where a majority of clergymen presided, was commonly designated, in derision, a black bench. It was quite preposterous that the present ecclesiastical system, comprehending an establishment of 22 bishops, and 1,200 or 1,300 livings, should subsist in a country, where the proportion of Catholics to Protestants was, in many parishes, 100 to one, and in some not a single Protestant was to be found. Suppose the Protestants were to disappear altogether from the face of Ireland,—a supposition, which was far from improbable—he would then put it to his majesty's government, whether they would in that case be prepared to continue the present system? Such a proceeding, he apprehended, would be too preposterous to be tolerated by that House, or by the country. The report of the commissioners appointed to inquire into the state of education in Ireland, developed a tissue of digraceful proceedings, which called loudly for the interference of that House. The bishops, who took an oath, on their institution, to support the parochial schools, had entirely neglected their duties. If, as he contended, the church of Ireland answered no one beneficial purpose, for which it was intended, it became the duty of that House to alter the existing system. The hon. member concluded by moving, 1. "That the property now in the possession of the established church in Ireland is public property under the control of the legislature, and applicable to such purposes as in its wisdom it may deem beneficial to the best interests of religion and of the community at large, due regard being had to the rights of every person in the actual enjoyment of any part of that property." And 2." That this House will, early in the next session of parliament, appoint a select committee for the purpose of considering the present state of the Irish church, and the various charges to which ecclesiastical property is liable."

Mr. Secretary *Canning* said, that whatever fault he might be disposed to find, either with the motion or the speech of the hon. gentleman, at least he could not impute to him any concealment of his views, or any design to keep out of sight the fullest explanation of his motives. In justice to the hon. gentleman he must say, that he had fully stated his object. But before he proceeded to apply himself to any part of his speech, he must request of the Clerk to read the 5th article of the act of Union.

The Clerk then read the 5th article of the Union, the purport of which was, that the doctrine and discipline of the church of Ireland, should remain in full force as an essential and fundamental part of the Union.

Mr. *Canning* resumed. It was, he said, an advantage, that in coming to the consideration of the question, the House were placed in no circumstances of uncertainty. The sense of the legislature on the subject was not to be gathered from statutes, the construction of which might be doubtful, but they had a clear distinct authority, only twenty-five years old, to compare with the hon. member's resolution, and to help them in coming to a decision, as to whether it was possible to pass that resolution, consistently with that statute. He thought he should have the admission of the hon. member himself, that the statute to which he had referred stood in his way. The hon. member had, to be sure, expressed his disapprobation of the settlement made at the Union; but, with respect to the state of the law, there could be no dispute. The compact which had been made at the Union might be broken; but, until that was done, it became parliament to act with good faith on their part. Parliament could not, without a violation, which would lead to the apprehension of violations of all kinds, concur in the resolution of the hon. member, which went to put out of the purview of the settlement made at the Union the whole of the property of the church of Ireland, and to declare that it was a thing with which parliament had a right to deal with as it thought fit. The difficulty of the hon. mover's case was, that it went directly against all that hitherto had been considered as established. The church property of Ireland might be compared to a corporate property, which had been revised and conferred by act of parliament; but, the hon. mover seemed to think that he had a right to go back to a period antecedent to the establishment of a right to the property on the part of the church, and when that property remained to be distributed among mankind, for the benefit of particular classes. If the House should agree to the resolution, there was nothing to prevent them from seizing upon the property of corporations. Then, again, why was the House to stop with the tithes of the church? Why not, also, possess themselves of the lay tithes? In short, the proposition of the hon. member was so monstrous, so likely to lead to the most alarming consequences, that it was, he was sure, quite impossible that the House could, for a moment, hesitate as to the course which they should pursue regarding it. The hon. member had, in the course of his speech, remarked, that the session had been wasted in fruitless attempts to carry the Catholic question. Now, the greatest enemy of that question could not devise a surer means of procuring its defeat than by causing to be inserted on the journals of that House a resolution contemplating the spoliation of the Protestant church property next session. It was, he was convinced, the fear of such a proceeding which originated much of the opposition to the Catholic claims. He was therefore rather pleased that the hon. gentleman had afforded the House an opportunity of shewing how they would meet any such proposition. He was confident that the vote to which they were about to come would tranquillize any fears which might be entertained on the subject. The right hon. gentleman concluded by characterizing the motion as one of the most barefaced propositions of injustice that had ever been submitted to parliament. His firm belief was, that to such a resolution the hon. member would find few supporters in that House; and still fewer in the country.

Sir *F. Burdett* contended, that the right hon. gentleman had not applied himself to the facts stated by his hon. friend; neither had he made out the two propositions with which he had commenced. The right hon. gentleman set out with saying, that to accede to the motion would be a violation of one of the articles of the Union. But, in the words of that article, he found nothing to warrant the argument founded on them by the right hon. gentleman. There was not a single word in it respecting tithes: the article only said, that the established church (meaning the religion) of England should be maintained in Ireland. Now, he would contend, that even had the words of the article applied more closely to the subject under discussion, it was competent to parliament to alter or annul such article, if necessary, for the benefit of the country: for it would be absurd to contend, that articles should be held inviolable, the effects of which were the direct contrary of those intended by the contracting parties. The article in question was not entitled to any very great veneration; for the Union itself was the produce of the most shameful, scandalous, indeed, shameless corruption, that had ever disgraced the annals of a nation. One parliament sold its country—another parliament became the purchaser—and the sale was made good by the assistance of military power. The article of the Union, therefore, by no means bore out the right hon. gentleman in his first argument. With respect to the other branch, the sacredness of property, it was easy to prove that it was not tenable; for he was sure it would not be contended, that the legislature had not the power to effect a modification of private property, if necessary to the public welfare. For the same reason, he did not consider that the property of the church should be held more sacred; but less so; for it was, to all intents and purposes, public property; and, therefore, more liable to be dealt with for the public good. The payments to the clergy of the church of Ireland were enormous; while the duties of that church were ill performed. He denied that the Catholic question was connected with that before the House. They stood on different grounds, and had totally distinct objects. The concession of their claims was equally the right of the Catholics, whether the church property of Ireland should be reduced or not; and he could not help saying, that the established church of Ireland had placed itself in an awkward predicament, and in an invidious point of view, when it set itself forward in opposition to the just claims of a great majority of his majesty's Irish subjects. For these reasons, he could not see how the Catholic question could be mixed up with, or injured by, the motion of his hon. friend, who only wished to put upon the records of parliament, a motion founded in reason, and perfectly harmless in its nature. He was convinced that no danger could be apprehended from the success of it; and he thought the right hon. gentleman wrong in endeavouring to shut out all inquiry into the subject.

Mr. *Trant* said, that the hon. mover had stated that the existence of the church of Ireland was incompatible with the happiness and welfare of Ireland. Now, he for one, thought the hon. member who meddled with all sorts of things, and who did not know much of Ireland, was not a good authority, and he should not rely on him. He had done the question of Catholic emancipation more harm by his resolution than he had ever done it good.

Mr. Alderman *Wood* said, that his hon. friend did not wish to despoil the church, but for a more equal distribution of its amazing wealth.

Mr. Secretary *Peel* said, that the hon. baronet had not shaken a single argument of his right hon. friend. The hon. baronet said, that the argument of his right hon friend, founded upon the article of the Union, was not tenable, there being no mention made in it of tithes. But, there were other subjects similarly omitted in special articles. which were, nevertheless, recognized in subsequent ones. The act of Union settled the mode by which Ireland should be represented in the House of Peers, fixing the manner of their election, and specifying that four of the Irish prelates should sit there in rotation. The present constitution of the Irish church was thereby distinctly recognized; and he wished to remind the hon. baronet, that in the bill lately introduced by the hon. baronet himself, the church of England and Ireland, as by law established, was declared inviolable. With regard to the number of bishops, the hon. mover proposed to double them up; and the manner in which he proposed to effect that operation was a curious one. There were twenty-four bishops and archbishops in Ireland, and the hon. member thought they ought to be "doubled up" to two. He considered two quite enough; but, feeling that he had to deal with a prejudiced House, he consented, in the excess of his liberality, to double them up to four. The hon. baronet admitted, that public property was equally sacred with private property: but then he declared, that he was ready to support the motion, considering it perfectly harmless, as applied to private property. Now, had the hon. baronet read the resolution? With all the hon. baronet's liberality, he thought he had, at the same time, too much consideration for his own private property, to consent that it should come under the operation of the resolution before the House. That resolution began by stating, that "the property of the church of Ireland is public property." The hon. baronet, he was sure, would not like that description to be applied to his private property; and, if the property of the church was to be treated in the same manner as private property (which the hon. baronet contended), then he would call upon him to vote against the motion.

Mr. *Brougham* said, he did not mean to enter into the general question, but he wished to say a few words, both to guard himself from its being supposed that he differed from his hon. friend, and to shew how much beyond accuracy those who maintained that the church property was inviolable, had pushed their principle. As to what had been stated by the hon. baronet, that the legislature might make the same declaration as to private property which it was proposed to make as to church property, he fully agreed, that the legislature had the power of disposing even of private property, when it was necessary for the safety of the state. But, God forbid, that he should contend that the church had the same power over its property that individuals had over theirs. He admitted the existence of a church known to the law as a corporate body having rights, and to which wrongs might be done. But he contended, that both the mode of establishing church property and the mode of dealing with it, were very different both in argument and in practice, from the mode of establishing and dealing with private property. He would first say, that the property of the church must be regarded, in the strict sense of the word, as public property; if the church were considered not as individuals only, but as a large body of 2,000 persons and upwards having duties depending on their situations. Another material difference between church and private property was, that the private individual might do what he liked with his property: he carried it about with him; no person had any control over it, except the legislature, as stated by the hon. baronet; and of this he had no right to complain, for he gave his assent, or was supposed to give his assent to its measures. His private property was inseparably attached to his person; he might transfer it, sell it, burn it, break it up into parcels; in short, do with it whatever he liked, without any control, except that imposed by settlements, and this was the act of a person disposing of property which he held in fee. He might bequeath his property by will, or he might allow it to go to his eldest son, to his nearest of blood, or to any body he pleased. But to whom could the parson leave the property of the church? to the next succeeding parson, a person whom he probably never saw, and who might be his mortal enemy. He had no power to dispose of this property; it must go to his successor. The control, therefore, which the church and which individuals had over their property, could not be called the same.—The next point he would mention should be the consequences of the legislature meddling with private property, and with the property of the church. By taking away the property of an individual, he was deprived of his means of providing for his family and children. But, if the legislature were to say to the priest of some parish, containing five hundred Catholics and one Protestant, "After you are dead, there shall be no longer any parson in this parish," who would be injured by this? A person who never enjoyed it. Was there in this case the same injury inflicted as in the other? In the one case, you deprive a wife and children of the means of subsistence; but, in the other, there is nobody to suffer but an unknown, and, perhaps, unborn parson. There was, therefore, no analogy between the two cases.—The last difference he would mention, and it was an important one, was, that private property was held on no conditions whatever;

there was no duty imposed or annexed to the enjoyment of the right; but the church consisted of two thousand office-bearers, clothed with a sacred character; indeed, extremely useful to the state—a body of men, set a part for a particular service, but who received their property on condition of performing these services, fulfilling these duties, and who might be stipendiaries, or who might be paid by salaries, instead of tithes and land, as they were in most of the countries of Europe. But, it had suited the policy of this country to pay them by tithes. This did not make them different from other public officers, or other public servants. There was no sort of analogy, then, between church property and private property, which should lead to the conclusion, that the former possessed the same sort of inviolability as the latter. The church receives its property for the performance of certain services, but private property was held unconditionally. As well might the pay of the army, as the property of the church, be called inviolable and private property. The army was a corporate body, larger, indeed, and more numerous than he wished it to be—it was a great public body—it had Chelsea Hospital, and the navy had Greenwich Hospital, richly endowed with land, for the use of the navy under certain conditions; but, was it ever supposed that either of these bodies could regard their pay or the property of these hospitals as theirs, and to be held inviolably sacred? He contended that the property of the church was conferred by the state for the performance of certain services, and that the legislature might deal with it, when it was necessary, for the benefit both of the church and the state. In this opinion, he agreed with the hon. member for Westminster.—After showing that church property might be disposed of for the benefit of the country, he would proceed to inquire into what the legislature had done with regard to church property. Without going back to the period of the Reformation—without adverting to the appropriation of the property of the monasteries — without even saying any thing of the abolition of tithes in Scotland; where tithes had formerly existed till they were abolished by the act of Charles the 1st. Passing by all these remote examples, he would just ask what had been done with church property in Ireland? Had the House forgotten that the parliament of Ireland passed an act depriving the church of Ireland of all the tithe of agistment, and that this act was incorporated with the Union? By this act, the church was deprived of all the tithe from grass land, to the benefit of the more opulent, and to the injury of the poorer classes. When the right hon. Secretary pointed out the circumstances which led to the Union, he should not have forgotten that unless this spoliation of the Irish church had been incorporated with the Union it would not have been carried. He was surprised that the right hon. Secretary should refer to the Union for the inviolability of church property, when this spoliation was recorded in that Union, and when he paid so little regard to the promises held forth at the Union, that the Catholics should enjoy the same privileges as the rest of their countrymen, and that Catholic emancipation should be granted. Were not these pledges given to the Catholics of Ireland by the marquis Cornwallis, a nobleman notorious for good faith — pledges in which the then Secretary for Ireland concurred? It was true they were given in private; but being so given to leading public characters, they were as binding as any public declarations. And yet these pledges, without which the Union could never have been accomplished, remained for the last twenty-five years unredeemed. But, what said the very article of Union on which the right hon. Secretary for Foreign Affairs had laid such particular stress? It was a provision to maintain the faith and discipline of the Protestant establishment of Ireland. The faith, he trusted, the established church would continue to maintain as steadfastly as they did its wealth. But, what had faith to do with money? He trusted the bishops would preserve the faith of the church with as much tenacity as they now struggled for the tithes, even though it should happen that they should not receive the latter. Much had been said of the compact of the Union between Great Britain and Ireland, and its inviolability. Yet, who that looked at the previous Union between Scotland and England, but must be convinced, that it was incidental to such treaties or engagements to be subjected to the future consideration of the legislature? In the Scottish compact, though many of the provisions were left open to the future deliberation of the united parliament, yet there was one on which, from many considerations of local circumstances, from feudal attachments, from personal feelings, the compact of Union was precise and most strict—it was the institution of heritable jurisdiction, which, though guarded by such barriers from interference, was, forty years after, abolished by the enactment of the legislature—abolished, because they were felt to be more oppressive to the vassal than beneficial to the lord. The language of the statute of repeal was, that they were worse than useless—that they were pernicious. He was free to admit, that with regard to those religious feelings, which were always intermixed with respect to the church property, he would proceed with delicacy; but though that might afford an argument against any precipitate course, it offered none against an inquiry which merely sought for information. Taking the state of that church in Ireland—viewing the state of the population, who, though obliged to support it, received no benefit from it—it was most monstrous to say, that such a system should never undergo legislative revision. As to the claims of the inviolability of the property, was any man so romantic as to expect that any arrangement as to the question of tithes would satisfy every individual clergyman? And yet, if all were not satisfied, it was a spoliation of property as to the individual, as much as if the whole were discontented. They were all agreed, that that would be a most extravagant length to which any opposition to the relief of the tithe system could be pushed. He had seen an estimate of the value of the glebe lands of Ireland, which stated that property to be 160,000*l.* a-year, independently of the renewal of leases. That estimate he thought to be correct. Was it not natural therefore, to require information, whether or not some arrangement might be made by parliament calculated to secure the stability of the church, by removing the very natural dislike which the great population of Ireland must feel towards such an establishment? That establishment stood on very different grounds from the church of this country. In this country down to the reign of Elizabeth, the tithes were applied to four different purposes—first, the remuneration of the bishop; secondly, the allowance to the parson; next, the repairs of the church; and, lastly, the support of the poor. In an evil hour, the statute of Elizabeth, by throwing on the people the whole relief of the poor, had interfered with that distribution. He threw out these views of the subject as proper questions to be hereafter considered. He should recommend to his hon. friend, to withdraw his first resolution, which, though true, did not bear on the question, and to take the sense of the House on the second resolution.

After a few words from Mr. Hume, in reply, the first resolution was negatived without a division. The House then divided on the second resolution: Ayes 37; Noes 126; Majority 89.

HOUSE OF COMMONS.

Thursday, June 16.

CONDUCT OF LORD CHARLES SOMERSET—PETITION OF MR. BURNETT.] Mr. *Brougham* said, he had a petition to present from Mr. Bishop Burnett, of the Cape of Good Hope, which stated sundry proceedings regarding the government of that colony, which were highly deserving the consideration of the House. He would open to the House the facts stated in the petition, and would then lay it on the table, premising thus much—that he did not intend to make himself liable for the truth of the petitioner's statements. He had, however, made such inquiries of the petitioner respecting his statements as had convinced him, from the tests to which he had put the petitioner's accuracy, that he was at least consistent in the story he told. He would state the facts of the petition as they had been stated to him, and would then leave the House to deal as it chose with the allegations of the petitioner. [The learned gentleman then stated the facts of the petition, which will be found subjoined.] Assuredly this was a subject which ought to be inquired into. Indeed, if he believed that he had evidence to prove any of these allegations, he should feel it his duty to impeach lord Charles Somerset. But, he could not help believing that Mr. Burnett must be altogether mistaken. Undoubtedly, however, he had told him the same story that he told in the petition. He would add only one observation. A commission had been appointed to go out to the Cape of Good Hope, for the purpose of inquiring into the alleged grievances of that colony. Unfortunately one of the members of that commission had been prevented by illness from taking a part in the inquiry. This circumstance had, of course, occasioned some delay. He hoped, nevertheless, that it would not be long before they should have a report from the two remaining commissioners.

Mr. *Wilmot Horton* said, that the case of the petitioner was one of some notoriety, and in all probability the report of the commissioners would refer to it. If the charges were true, in God's name let them be regularly made and proved. There seemed to be a certain degree of conspiracy prevailing against lord C. Somerset. But the petition professing to be against the governor went against the constituency of all the judicial authorities; and it was unfair not to distinguish, in such a complaint, between the acts of the governor and the defects of the Dutch law. He was not responsible for the want of facilities for complaints against the law and authorities before the commissioners. They were sent out to inquire, not into every case of grievance, but to discover the easiest and safest method of bringing about a speedy amelioration of the whole system of government in that colony. The House ought to be aware of petitions urged on individual suggestion against persons holding high and responsible situations under the government, and within the regular control of parliament.

Mr. *Baring* said, that the allegations of the petition were of so grave a nature, that it was the duty of government to ascertain their truth or falsehood. What he rose especially to draw the attention of the House to, was the sort of government to which some of our colonies, were at present subject. The principles on which those colonies were governed were those of the Spanish, and not those of the English law. While the government of the Cape was administered upon the existing despotic principles, whether lord C. Somerset or any other individual were the governor, the system of government must be a bad one. It was indispensable to consider and revise those principles; and among the various instructions which had been given to the commissioners, he hoped it was one, to examine and report how far it might be expedient and practicable to establish something like representation in the colony.

Mr. *Ellice* said, that government ought certainly to effect a revision of the colonial law. Most of the colonies were governed by some system now got into disuse in the countries from which the laws were derived. In the French colonies, the old Bourbon law prevailed, though that was rejected at home in favour of the code Napoleon. And now upon a case of any complexity, even the French themselves could not agree upon the proper interpretation of it. Another great evil in matters of colonial law, was the fluctuation of the orders in council, which strangely unsettled it.

Mr. *Brougham* said, that, by moving to refer the petition to a select committee, it seemed that he should be doing that which best suited the views of all parties. Lord C. Somerset ought not to be the sport and victim of charges loosely ventilated in that House. Lord C. Somerset ought to challenge investigation, and government ought to wish for it. He would for the present content himself with having the petition laid on the table and printed.

The petition was read, and was as follows:—

"To the honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled. The Petition of Bishop Burnett, of the Cape of Good Hope, Gent.

"Most respectfully showeth, That your petitioner, in the year 1820, was induced to embark considerable capital in an agricultural undertaking in the district of Albany, Cape of Good Hope, the progress of which undertaking was greatly impeded by the colonial authorities refusing him that assistance so liberally extended to the emigrants then locating in the district, contrary to the express assurances of the under colonial secretary, that your petitioner should receive the utmost assistance in the event of his not burthening the government with the expense of transporting a party of settlers in aid of his undertaking.

"That, after an expenditure of more than 20,000 rix dollars, during your petitioner's first year's enterprize, upon a farm hired of one Robert Hart, for the cultivation of green forage, expressly at the suggestion of lieut.-col. Somerset, from whence his first year's returns had been estimated from 7,000 to 10,000 dollars, his enterprize was utterly frustrated by partiality in the commissariat, by preference to the military growers of forage, and by trespasses of the Cape Colonial cavalry.

"That your petitioner had then recently been the accidental medium of vindicating the character of captain Stackenstrom, Landdrost, of Graaff Reinet, from aspersion, and rescuing him from a conspiracy, the aim of which was, to degrade him in his regiment, and displace him from the magistracy, as a reference to the proceedings of a court of inquiry, held at that period upon the conduct of captain Stackenstrom will clearly establish; and that your petitioner, in consequence of this occurrence, became forthwith obnoxious to the colonial government.

"That before the expiration of the above-stated period, the said Robert Hart commenced proceedings at law against your petitioner for the recovery of 900 rix dollars, a balance of account (although your petitioner had expended so much money upon his premises), and proceeded through forms of law with which your petitioner was totally unacquainted to judgment. Notwithstanding your petitioner had tendered a bona fide claim upon the commissariat for forage supplied the Cape cavalry, and thus recognized by its commander, captain Somerset, in liquidation of this judgment, it was immediately followed up by a publication of his insolvency, and the whole of his property was forthwith advertised for sale.

"That the sale was nevertheless as arbitrarily suspended by the colonial government, as it had been illegally threatened, and that in spite of every remonstrance on the subject on the part of your petitioner, the proceedings in this instance were left in complete abeyance for a period of two years, notwithstanding the public judicial declaration of a commission of circuit about the middle of that period, that these proceedings were in error, and that your petitioner was not insolvent.

"That with a view to compel something like decision on the part of the colonial government, your petitioner, on the arrival of the ensuing commission of circuit, instituted proceedings both against Robert Hart and the Public Sequestrator for their illegal and oppressive conduct in this particular, justifying his process more especially from the public declaration of the preceding commission, that these proceedings were altogether illegal and vexatious.

"That your petitioner was universally considered an aggrieved and persecuted man, whom the colonial government had determined to crush; but that the flagrancy of its injustice had attained such a degree of notoriety, that the arrival of the last commission of circuit was hailed by the whole independent population of the district as the certain period of his triumph from its fears of a rigid scrutiny by the commissioners of inquiry, if not from its judicial integrity. That the proceedings of this commission were nevertheless a departure from the dictates of common sense as well as justice, and so palpably partial and corrupt, as to occasion general astonishment and disgust throughout the district, and a current opinion that the decisions of this commission were dictated by the colonial government prior to the investigation of their relative cases.

"That such intolerable oppression, involving no less an issue than the utter demolition of your petitioner's prospects in the colony, induced him, from imperative duty to himself and the public, to represent his case in a memorial to his excellency the governor, with a bona fide view of obtaining inquiry and redress—a proceeding warranted by the laws of all civilized states, and especially justified by those of his native country.

"That his excellency, altogether slighting the prayer of your petitioner's memorial, or instituting any inquiry into the merits of the charges he had adduced against the commissioners, placed it forthwith in the hands of his majesty's fiscal, with orders to commence criminal proceedings thereon, and a prosecution for libel was begun accordingly. That as no lex loci was applicable to your petitioner's case, no English statute or Dutch decree, nor even summary enactment of a Cape proclamation, his majesty's fiscal obtained his conviction upon his own unwarranted assumption of Roman practice, both contrary to the laws of the ten tables, and of the pandects of Justinian, the acknowledged bases of that code by which the Batavian republic and its provinces had hitherto been governed, and your petitioner was sentenced to five years' banishment from the colony.

"That during the course of this prosecution, which was vexatiously protracted by the illegal retention of papers necessary to your petitioner's defence, his house was invaded by his majesty's fiscal, and attendants, under the sanction of his excellency's warrant, and his papers seized for the avowed purpose of implicating him in the promulgation of a charge against his excellency, of having committed an unspeakable atrocity with his reputed son, the physician to his household—a proceeding as unjustifiable as the grounds of it were visionary, no doubt now existing in the minds of the Cape-town colonists that it was prepared, affixed, and withdrawn, in a desperate exigence of his excellency's unpopularity, by a person named Jones, but better known by the appellation of Oliver, the spy.

"That, contrary to your petitioner's sentence, he was left at large subsequent to his conviction, and that while engaged in preparations for his return to England, necessarily unaccompanied by his family, and still appellant in nine causes before the court of justice, his house was again beset, and his papers seized by the fiscal, without the exhibition of any charge, or upon any other authority than his excellency's caprice; and though entirely innocent of any offence against the colonial government collectively, or any member comprising it, he was compelled, from the alarming suggestions of his friends, to seek concealment and withdraw himself from the further persecution of his excellency. Through the instrumentality of the chief justice and the fiscal, he ultimately embarked, and on the 22nd of last December quitted the colony.

"It will be apparent, that in presenting such a statement of grievances to your honourable House, through the vehicle of a petition, your petitioner must necessarily be restricted to a very imperfect developement of four years unceasing injustice and persecution; but he is fully prepared to substantiate every allegation he has advanced, as well as charges of a more serious description, against his excellency the governor of the Cape of Good Hope, should such evidence be required of him.

"In illustrating the character of judicial procedure at the Cape, your petitioner most respectfully craves the attention of your honourable House to the extraordinary contrast of his case with that of Mr. Lancelot Cooke's, a most respectable merchant of Cape-town, who was tried for precisely the same offence—that of impugning the conduct of a public functionary in his application for redress of grievance, but with the imputed superaddition of having given his memorial publicity—the greatest possible aggravation, or rather the chief essential in the construction of libel—an offence not even charged against your petitioner: Mr. Cooke, who stood neuter with the colonial government, was nevertheless acquitted; your petitioner, unfortunately, not in this predicament, was condemned. Nor, your petitioner most humbly submits, can a pure and unbiassed judgment be looked for in causes of appeal to his excellency, where a malus animus may be said naturally to exist, as in the case of the Dutchman Dure, who succeeded in causes wherein he was appellant to his excellency, shortly after the purchase of one of his excellency's horses for 10,000 dollars, which died after payment and before delivery from the stables.

"That your petitioner, in common with his brother colonists, has been much aggrieved by the extraordinary fluctuation of the colonial rate of exchange, which has singularly proved at higher discount when his excellency has had occasion to draw, than when he has found it expedient to remit—an evil that would have less injurious operation if his excellency's salary was paid in colonial currency.

"That should your honourable House suppose the commissariat department at the Cape of Good Hope to be governed by the ordinary regulations, your petitioner most respectfully begs leave to disabuse your honourable House of such opinion; the supplies in the district of Albany having been, up to the arrival of the commissioners of inquiry, derived from private tender only. Hence the enormous price of 23 stivers and a fraction paid to the bailiff of the Somerset establishment per ration for the troops on the frontier, which your petitioner would gladly have contributed at 10 stivers per ration—a circumstance that, waving even the suspicion of peculation in the enormous balances of profit, must necessarily enrich the colonial at the expense of the home treasury, and which, by excluding competition, paralyzes the efforts of the settler in the only profitable vent for his industry.

"That in the abandonment of Bathurst, and the determined opposition of his excellency to the wise and paternal measures of sir Rufane Shaw Donkin, the interests of the settlers were directly compromised without any regard to consequences, from which they have scarcely yet recovered; while in the cultivation of green forage by the military, and the substitution of the Hottentot regiment for troops of the line, as a protecting force on the frontier, your petitioner and his brother colonists have experienced evils of grievous magnitude and pressure.

"That in the constitution of the judicial body at the Cape, none of those safeguards are perceptible which ensure to the subject the flow of unpolluted justice, its present organization consisting for the most part of displaced Landdrosts, and one retired English commissary, all removable at the pleasure of his excellency, and consequently susceptible of imputations which will be apparent to your honourable House.

"That your petitioner, so far from desiring to agitate any question which might glance at the eligibility of lord Charles Somerset to his government, has spared no effort to obtain a moderate redress from earl Bathurst's department; but that that department, throughout its whole correspondence, has projected so many obstacles and delays, and manifested so little sympathy for the unwarrantable aggressions your petitioner has sustained, that he is compelled to throw himself upon the justice of your honourable House.

"Your petitioner therefore prays, that your honourable House will cause an inquiry to be instituted into the conduct of lord Charles Somerset and the colonial authorities at the Cape, and extend to your petitioner such protection and redress as to your honourable House may seem meet. And your petitioner, &c."

Ordered to lie on the table.

DEPORTATION OF MESSRS. LECESNE AND ESCOFFERY FROM JAMAICA.] The Speaker having called on Dr. Lushington to bring forward his motion relative to the Deportation of two persons of colour from Jamaica,

Mr. *Wilmot Horton* rose, and addressing the hon. and learned member across the table, inquired what were the precise nature and objects of the motion.

Dr. *Lushington* said, that his object was, to move for the appointment of a select committee to inquire into the grievance of which he complained; and he did not think that after the discussions already had upon it, his hon. friend could have been ignorant of the course which he meant to pursue. The hon. and learned member then proceeded with his motion. The papers for which he had moved, had, he said, been printed some ten days ago, and he felt justified in fixing the earliest open day after that, for the discussion of this question. It was of the first importance to our colonies in general, and to the island of Jamaica in particular, that the most scrutinizing and impartial investigation should take place in the case to which he was about to call the attention of the House—a case which exhibited one of the greatest outrages that could be committed on British subjects.

It was pretty generally known, that the population of Jamaica consisted of three hundred and forty thousand blacks, thirty-six thousand free men of colour, and twenty-five thousand whites. Now the House would be surprised to hear the nature and extent of the grievances and disabilities under which these thirty-six thousand free men of colour laboured. Previous to the year 1813, there existed a law to prevent any white man from leaving more than 2,000*l.* to a person of colour, even though that person should be his own son. The free people of colour were not permitted to navigate their own vessels along the coasts of the island; and they were not admitted to give evidence in courts of justice, in cases where white persons were parties. In 1813, these particular restrictions, so repugnant to every principle of justice, were removed; but others still remain, and are in full operation at this very time, depriving the numerous and loyal free coloured population of Jamaica, of rights which ought to be equally enjoyed by every free man.

Amongst the most odious and oppressive of the disabilities under which this class of his majesty's subjects still labours, will be found, the disability to serve on juries, disqualification for office, deprivation of the elective franchise, and the deficiency law, which excludes them from any situation of profit or respectability on the estate of a white person. The free coloured inhabitant of Jamaica is compelled to pay his full share of all public burthens, but he is not allowed to participate in the benefits which others receive out of those revenues; nor does he derive the benefit he ought from the funds allotted to Education. There is another most odious and unjust distinction, under the act of 1799, entitled the Alien act. By this act, the alien of colour may be tried by the evidence of slaves: against a white alien such evidence is not received.

It is not in the nature of things that a large body, increasing in wealth and intelligence, should for ever submit in silence to restrictions so unjust and degrading, founded upon no other principle, resting on no other basis, than the darkness of the colour with which the God of Nature has distinguished their skin. With patience the most exemplary, with loyalty never impeached, they have long endured their grievances; but that sense of injustice, which is innate in the bosom of every human being; that feeling which stimulates all mankind to endeavour to remove evils and attain a happier state, induced them to make another effort to acquire, for themselves and their offspring, a larger share of the blessings of the English constitution, and to raise themselves and their class from the degradation into which the colonial system had sunk them. And, as their object was in itself just and laudable; so were the measures pursued for its attainment the most respectful to the colonial authorities, and the most free from blame.

In the beginning of the year 1823, some of the most influential amongst their class met, and determined to frame a Petition to be presented to the House of Assembly. The meetings necessarily held for this purpose were not concealed from the public authorities; nor were they so numerous as to give any just cause for alarm; nor was the conduct of those who met, reprehensible for expressing the sense they felt of their grievances in too forcible language. Greater moderation, in similar circumstances, was never displayed. A set of resolutions was agreed to, in which the free men of colour expressed their sense of the disabilities under which they laboured, and prayed the House of Assembly in Jamaica to relieve them from them.

Now, any man who reflected for a moment might see how necessary it was to justice, as well as to the safety of the colony, to conciliate so large a portion of its population, by giving to them their fair proportion of rights and privileges. This was a matter the more worthy of attention, when it was considered that the coloured population was increased, not only by natural causes amongst themselves, but also by the addition of the offspring between whites and blacks. They were allowed to serve in the militia: they were allowed to acquire the rank of serjeant: they were inured to the climate; and understood, to a considerable extent, the art of war. Therefore, he might justly say, that upon their loyalty and obedience depended the safety of the island of Jamaica; and if by any ill-treatment or unnecessary degradation they irritated that body, then would he pronounce that the safety of the island of Jamaica was in danger. But, up to the present hour, not an imputation had been cast upon the men of colour in that island. No charge was made against them of having evinced the slightest appearance of insubordination, or the most distant wish to bring about rebellion. On the contrary, all writers on the state of the colony maintained, that their loyalty and attachment to government was unimpeached and unimpeachable. Mr. Bryan Edwards, who wrote a history of the West-Indies, and of that island in particular, most decidedly stated, that the men of colour had, upon all occasions, deserved well of the government. To their unshaken fidelity and active zeal when dangers were apprehended, there could be no stronger testimony than the report of the secret committee of the House of Assembly, on the 7th December 1824. That report concluded in the following expressive manner:—"The committee cannot draw their report to a conclusion without bestowing its meed of praise on the zeal and alacrity shown by the regulars in Hanover, and by the militia regiments throughout the disturbed districts, both by the whites and free people of colour; the conduct of the latter, evinced a warm interest in the welfare of the colony, and every way identifies them with those who are the most zealous promoters of its internal security."

The time, too, when this encomium upon the fidelity of the free coloured population was passed, is remarkable. The report was made at the end of 1824; it refers to the occurrences of that and the preceding year; and to occurrences which immediately succeeded to the rejection of the petition of the coloured class; for that petition was presented in the autumn of 1823, and the House of Assembly then refused to adopt any measure to effectuate the wishes of the petitioners. How clearly does this demonstrate, that the coloured class, though smarting under the rejection of their prayers, were still animated by their wonted alacrity in defence of the state. Indeed, every reflecting man must perceive, that upon this class depend mainly the safety and well-being of the island of Jamaica, and every succeeding year must increase their importance, and render it still more essential to do them that justice, which alone can render their fidelity immoveable.

But, the Assembly of Jamaica seem wholly insensible to considerations to themselves of the last importance. They persisted in turning a deaf ear to the petitioners; and the coloured population remain without redress. What a contrast do the colonies present to the Mother country! In England, thank God! no such odious distinctions have obtained. English justice would never endure them. Under English authority, a gentleman of colour has held a high civil office; and another has enjoyed military rank, and become connected, by marriage, with the family of a member of the other House. In Jamaica, even the humble attempt to obtain justice has entailed the consequences of crime.

Mr. Lecesne and Mr. Escoffery, the two individuals on whose behalf he now addressed the House, had signed the petition to the House of Assembly. On this and on no other account, the two unfortunate men, whose cause he advocated, were torn from their families, their fortunes, and their friends, and sent into banishment [hear, hear!]. Those two persons had resided, from their infancy, in the Island. This was a fact, stated in all the affidavits, and no one had presumed to deny it; and the question agitated was this—Whether, having enjoyed the privilege of free men for many years; having served as serjeants in the militia; having resided, one for twenty-eight years, and another for twenty-five years, in that Island, they should at once, and, as they conceived, without any assignable ground, be banished under the provisions of the Alien act? For himself he must say, without entering into the merits of that act, that even supposing these men to have been aliens, the present was a gross abuse of its powers. It might be right to invest the government of Jamaica with such a power, or it might not; but, it surely never was intended to extend its operation to persons who had resided on the Island from their infancy, and who could not of themselves tell whether they were or were not born in that country [hear, hear!].

This act was committed under the government of the duke of Manchester, then and still governor of that Island. Their secret accusers were Mr. Barnes, the mayor, and Mr. Hector Mitchell, one of the magistrates of Kingston, and both of them members of the House of Assembly. One of the charges preferred to government against the petitioners was, that they wished "to place themselves on a footing with the white population;" and then the party accusing went on to say, that they were dangerous individuals, that they belonged to a society, pretending to be a benevolent society, the principles of which were obnoxious to government. Now, of these charges, there was no proof whatever, save with respect to the existence of a benevolent society, the receipts and expenditure of which he was in full possession of, and he was ready to lay them before the House. And, against whom, he asked, were these charges made? Why, against the very individuals of that class who had been described, by a committee of the House of Assembly, as persons warmly attached to the government, and possessed of the most loyal principles [hear, hear!]. Again, it was asserted, that the parties in question were in secret communication with St. Domingo for treasonable purposes, but no evidence whatever was given in support of such an assertion; and yet, upon such charges it was, that these unfortunate men were dragged from their homes and families, and condemned to banishment without even the form of trial.

He had already moved for all the papers upon this subject, and, were it only in justice to the duke of Manchester, they ought to be produced. If these papers were of a nature to bear the light, why refuse to produce them? If they could not bear the light, why act upon them in the first instance? The character of the duke of Manchester must stand or fall by these papers. And here, he would ask, who were the persons thus treated? The one was the possessor of ten slaves, a man who carried on a respectable and thriving wholesale business; the other was the owner of four slaves: both were married men and had families, and yet thus circumstanced, they were arrested without notice.—But, scarcely had a principal performer in this transaction, Mr. Barnes the mayor of Kingston, found what was likely to take place, than he began to feel alarmed at the consequences of his conduct, and he went so far as to say, that if harsh measures were taken openly against the parties they might resist, and, being married men, they would be joined by the great body of the people of colour.

But, notwithstanding this, steps were taken to arrest the accused, who were totally ignorant of what was passing. All was silent and secret, and no opportunity of defence had been allowed. The duke of Manchester having issued his warrant, thought it his duty to take care that no delay should take place in its execution, and he gave a peremptory order that both Lecesne and Escoffery should be sent out of the Island forthwith.—On the 7th of October, therefore, they were put under arrest, and the provost marshal directed that they should be conveyed on ship board, to be transported to St. Domingo. On the next day, they presented a petition to the duke of Manchester, enclosing what were termed their privilege papers. These privilege papers had been thus obtained;—They had gone before the Court in the year 1814 (nine years before this transaction), and as free people of colour, claimed, upon proving themselves British subjects, the benefit of that act which, in the preceding year, had removed some of the former restrictions to which free people of colour were liable.—Such was the ordinary course in cases of the kind, and the documents could not be granted if the Court were not unanimous. It happened that Mr. Barnes himself, one of the men who now represented them, to serve his purposes of oppression, as aliens, was one of the magistrates by whom his privilege papers were granted to Lecesne. What, on receiving these documents, did the duke of Manchester do? He referred the petition to Mr. Hector Mitchell, and to Mr. Barnes, the mayor—the very men who had previously accused, and even pronounced the condemnation of, the petitioners, in a letter to the secretary of the government.

What chance was there, therefore, of any thing like a full and fair investigation? His grace had directed Messrs. Mitchell and Barnes to confine their inquiries to the single fact, whether Lecesne and Escoffery were or were not aliens; and if so, to report directly upon the subject.

He requested the attention of the House to the Report made upon this point. Messrs. Mitchell and Barnes reported, that they had made all due inquiry, and had satisfied themselves that Lecesne and Escoffery were aliens, and not British subjects; and that all the affidavits adduced on their behalf were not worthy of credit, as not containing one word of truth, and being at variance with themselves. Let it be remembered, however, that these affidavits, thus denounced, were the very documents upon which the Court of King's-bench of the island afterwards proceeded, when it declared, that these parties were entitled, as British subjects, to their discharge. The report of Messrs. Mitchell and Barnes, asserted, that the affidavits were contradictory to each other; but he (Dr. L.), after reading the whole of them, begged to deny that assertion most distinctly.

These gentlemen had laid great stress upon the circumstance, that Lecesne's father, in his will, dated the 1st of August 1816, had appointed him his sole executor, when, according to his own account, if true, he could only have been eighteen years of age; whereas they assumed, that he must have been twenty-one to entitle him to act as executor. This view of the subject, however, he (Dr. L.) contended, was perfectly erroneous, as there existed no law at that period to prevent persons under twenty-one years of age from being appointed, and from acting, as executor. And there was an obvious reason, independently of the confidence he reposed in his son, why it must have been considered by the father as highly expedient to name his son to that trust, in preference to any other individual; executors in Jamaica being entitled to six per cent upon the amount of property to which they administer. The truth was, that both these individuals had been influenced by the worst motives. He had ascertained this beyond contradiction, and that they had persecuted these unfortunate men from private pique, or from ancient enmity, and that in consequence, they had reported as to facts, which they must have known were false.

The House would probably ask, how it could happen, that two persons, one a magistrate of the island of Jamaica and a member of the Assembly, and the other mayor of Kingston and also member of the Assembly, could so grossly betray the trust confided to them, for purposes of a nature so degrading? As late as yesterday, he (Dr. L.) had searched and had found certain documents, which threw considerable light upon this disgusting part of the subject. There formerly existed a pecuniary dispute between Mr. Barnes and the father of Lecesne. The transaction related to an estate belonging to the father of Lecesne, in the sale of which Mr. Barnes had been a party. He had received on account of it, the sum of 11,000*l*., for which he ought to have given credit to Lecesne; but he gave him credit, in fact, for only 4,500*l*., and refused, on various pretences, to account for the remainder. The matter was brought before the Court of Chancery of Jamaica. The Court decided in favour of Mr. Barnes; but an appeal being made to the privy council in England, the judgment of the inferior court was reversed, and Mr. Barnes was sentenced to pay the full amount claimed of him. Such was the origin of the animosity of Mr. Barnes, and such the real motive for the line of conduct he had pursued!

With respect to Mr. Mitchell, the motives of his animosity, though less apparent, were not less real and operative. His estimation in society had suffered exceedingly from a transaction which had occurred some time before, and which had led the Assembly, on the 4th of December 1821, to resolve, "that the evidence he had given on the petitions regarding the Custom-house fees, should be expunged, as libellous on the character of the House, and highly derogatory to its dignity." When, therefore, he was applied to, as member of the Assembly for Kingston, to present to that body the petition of the people of colour for a redress of the grievances under which they laboured, he appears to have thought it a fair occasion of regaining the credit and influence he had lost, by ministering to the prevailing prejudices against the people of colour; and they having reason to suspect that, with an outward shew of friendliness, he was really hostile to their cause, deemed it their duty to withdraw their petition from his hands, and to place it in the hands of Mr. Barrett, another member in whom they thought they could place a more implicit reliance. This was accordingly done; and it, of course, served exceedingly to aggravate the hostile feelings of Mr. Mitchell towards the persons composing the Committee of the people of colour. Among those, Lecesne and Escoffery presented themselves as the readiest victims of his resentment. Their parents were foreigners who had migrated to Jamaica from St. Domingo; and they themselves had been born soon after the arrival of their parents in the former island.—He assailed them, therefore, on the ground of their being aliens, adding, that they were persons of dangerous character. But for neither of those assertions did he, in the first instance, produce the shadow of proof. On the 30th of September 1823, he made the following statement to the local government:—"Two persons of the committee of the people of colour, seeking to be put on a footing with the whites" (this was the real gravamen), "calling themselves Lecesne and Escoffery are natives of St. Mark's, and Port au Prince." Again, "Lecesne was several years old when he was brought to this country. This Lecesne is the most forward and officious person in all matters concerning the people of colour, and it would seem they have placed their confidence in him. Escoffery is the son of an Italian Jew, and was born at St. Mark's. The information derived from the French whites shews that these two persons keep up a correspondence with St. Domingo. On the former occasion of the free people seeking for an extension of privileges, it appears that Lecesne was the most forward and busy person."—He then accuses them of belonging to a lodge of Masons, though they deny the fact, and "under pretext of a society for charitable purposes, meeting as Masons to hatch all matters concerning their objects—in obtaining privileges, &c.—and in respect to foreign connexions."

Now, on this vague, hearsay, unsupported statement, of Mr. Hector Mitchell, unaccompanied by a single tittle of evidence, and without the slightest inquiry to ascertain its truth, on the 3rd of October, the governor's secretary orders the mayor of Kingston to commit Lecesne and Escoffery to gaol, and orders the provost marshal to send them out of the island *immediately*, as "Aliens, and as persons of a dangerous description."—Is it possible to conceive any proceeding more monstrous than this? These men were accordingly apprehended and committed to gaol, and but for an accident which befel the ship of war that was to convey them from the island, they would have been deported, before any time was allowed them to vindicate their rights as British subjects. They were thus enabled to present petitions to the duke of Manchester, accompanied by proofs of their being British subjects. These petitions were referred, as had already been stated, by his grace, to the very two men who were their most inveterate enemies, and who were also, in fact, their accusers, Mr. Barnes and Mr. Hector Mitchell.

Apprehending nothing from these magistrates but partiality and injustice, Lecesne and Escoffery were induced to move the Supreme Court, for an habeas corpus. In the mean time, a memorial was addressed by thirty respectable merchants and magistrates of Kingston, to the governor, in favour of the two prisoners, giving them a high character for integrity and general good conduct, as well as for loyalty. This memorial was signed, among others, by Mr. Hall, a magistrate of Kingston, and an assistant judge of the court, who had since arrived in this country, and had given him (Dr. Lushington) an opportunity of conversing with him on the subject of this transaction. Mr. Hall had personally confirmed the full contents of the memorial. He had gone further; for though it was of course painful to him to appear publicly in connection with this affair, considering that he is about to return to Jamaica, where so much hostility exists against the people of colour, yet, a sense of justice and duty, had induced him to run the hazard of yielding his testimony in their favour. The memorial was signed by five other magistrates, one of them Mr. Hyslop, a member of the House of Assembly, and it vouched for Lecesne and Escoffery, not only that they were British-born subjects, but that they were free from the slightest imputation of misconduct. It was a fact worthy of notice, that this memorial was signed, among others, by the very provost marshal to whom the warrant of the duke of Manchester for their deportation had been directed. This memorial, his grace stated, had been presented principally by creditors of the parties accused, who, of course, had a strong interest that they should not be sent out of the island. The fact was, however, in direct opposition to this assertion; for only five persons out of thirty who had signed it were creditors.

The memorial represented, that all that was dear to these individuals, as well as all that they possessed in the world, was in the island of Jamaica; and that their integrity had gained them considerable credit among the merchants and traders. Mr. Hall had informed him (Dr. Lushington), that he had given them credit, and that he would do so again, to any extent that could reasonably be required by persons in their station. No attention was paid by the duke of Manchester to this memorial, though so respectably signed. It produced no strict investigation, no careful inquiry; but it was treated as utterly unworthy of notice.

The case was at length brought before the Supreme Court, by the motion made for a writ of habeas corpus; and after due examination, Lecesne and Escoffery were discharged. The affidavits on the part of Lecesne, were from eighteen persons, in order to show that he was a British subject by birth, and among them that of his mother, who certainly must have known where her son was produced, and of the nurse who attended her during her confinement; that of his God-father, his half-brother, and his schoolmaster, besides the production of the baptismal register. These testimonies the Court had considered sufficiently conclusive; but since that date, he (Dr. L.) had been put in possession of a document of much importance to prove that Lecesne was born in Jamaica, namely, the original bill of the accoucheur who delivered his mother. This individual was now dead; but the paper had been properly verified.—On behalf of Escoffery, ten affidavits were brought forward to the same tenor, while there appeared literally nothing against him. The affidavits which were produced on the other side, and which are now before the House, will be found to contain the most glaring contradictions, the most palpable fabrications, the grossest falsehoods.

But, the falsehood of these affidavits was not the only point to be considered, but how they came to be taken. They evidently originated in private animosity, or were obtained by undue influence and terror. Among them, perhaps the most remarkable, was that of Mr. James Stewart Innes, the inspector of aliens in Jamaica, who swore, that the individuals did not disclose that they were natural-born subjects of the king of Great Britain, until several days after their being confined in gaol. What was the indisputable fact? They were arrested and committed, on the 7th of October, and on the very next day, the 8th of October, they presented their petition, and made their claim to the duke of Manchester as British-born subjects. It was enough to make the blood boil to see persons in official situations, though of an inferior kind, thus lending themselves to such base purposes, and committing the most deliberate, decided, and indisputable perjury.

Again, Mr. Hector Mitchell, in his affidavit, had confined himself, from beginning to end, to mere hearsay, so that it was not necessary to trouble the House regarding it, but it is singular that he should state, "that he has known about West-street, Lewis Celeste Lecesne, since the year 1804 to the best of his recollection and belief, by reason of having frequent occasion to go to the shop of Lewis Nicholas Lecesne, the reputed father of Lewis Celeste Lecesne." Now, the facts are, that Lecesne the elder, in 1804, lived in the country, and never came to live in West-street until the year 1812 or 1813; and until 1807 or 1808, Lecesne the son, was an inmate of Mr. James Goffe, with whom he was at school.

Another individual whose affidavit was procured against Lecesne by Mr. Innes, is a woman called Eleanor Hinds; who states, that she came to Jamaica "in the London ship Mary, captain Cheese" together with the mother of Lecesne, and that she then saw Lecesne on board the same ship, a child of about two years of age. However, on examining the records of the police office, which will be found in pages 14 and 15 of the papers, it appears, that Lecesne's mother arrived in Jamaica in the schooner Dauphin, captain Lajaille; and that, consequently, the statement of Hinds is altogether false.

A Frenchman, also, of the name of Villegraine, who gave his testimony against Lecesne and Escoffery, stands convicted of the grossest falsehood. He states that he knew Lecesne to be born at Port au Prince; though by a reference to the records before alluded to, it will be found, that he swore, on his arrival in Jamaica, that he had lived for the three years preceding his departure from St. Domingo, at Jeremie, a distance of near two hundred miles from Port au Prince. How is it possible he could have personally known the birth of Lecesne at the latter place? This man, Villegraine, is also accused, on the oath of two witnesses, of having taken pains to suborn evidence against Lecesne; and though he had the opportunity of repelling this charge on oath, he does not venture to do so.

Upon the whole case, and after due examination of the evidence, the judges of the court of King's-bench of Jamaica, consisting of Messrs. Scarlett, Mills, and West, had ordered the discharge of Lecesne and Escoffery, on the 25th of October 1823; at which time they offered bail to any amount, but the chief justice said that "as there was no charge against them, no bail could be required."

What, then, were the subsequent proceedings of the prosecutors of these individuals? Mr. Hector Mitchell moved the House of Assembly, that a secret committee should be appointed to inquire into some conspiracy which he alleged to exist in the island. He was named the chairman: Mr. Barnes was another member, and the two advocates, who had acted for the Crown in the trial of Lecesne and Escoffery's case, were likewise chosen to sit upon it.

When this body proceeded to its labours, strange as it might seem, they neither examined the parties themselves, nor called a single witness on their behalf, nor even gave them the slightest intimation that they were implicated in the inquiry. To those who, in this country, were accustomed to the pure administration of justice, such proceedings, by which it seemed that even the forms of justice were neglected and contemned, were absolutely disgusting:—The Secret Committee made its report in the following form:—

"The Secret Committee, in submitting the preceding documents to his grace the governor, beg at the same time to express their unanimous opinion, that the evidence which has been adduced before it, has most distinctly established, that three persons by the name of Lecesne, Escoffery, and Valmore, are natives of St. Domingo; and that they are considered persons of most dangerous description to remain in this colony, from the very active and prominent part which they have severally taken in the communications which are proved to have existed between this Island and St. Domingo."

Now, let this report be compared with that which was made in the succeeding session by the same assembly, and in which the very highest commendation is pronounced on the loyalty and fidelity of the coloured class, without hinting at a single exception, and it will be seen that both statements cannot possibly be true. Indeed, the latter report on the character, conduct, and intentions of the people of colour, completely falsifies the former.—The hon. and learned member went on to state, that the council took the secret report into consideration on the 28th November: in consequence of which, a warrant was issued by the duke of Manchester, for instantly putting Lecesne and Escoffery on board ship, and conveying them to St. Domingo. This order was not merely executed, but executed with the utmost severity, and even cruelty. And here he begged leave to ask, on what principle of law or justice it was, after the judgment of the court of King's-bench—

after the discharge of the parties, claiming its protection as British subjects on that ground—the examination of a secret committee, and the consultation of councils and governors, was to overthrow a solemn decision of an established court of Judicature? He left it to the hon. gentleman opposite to make out a case, if he could, to justify such a course.

It was alleged as a palliation, that Lecesne and Escoffery being free persons of colour, could not be tried in Jamaica upon slave evidence; but there was no pretence for this excuse, supposing them to be aliens, since the law of the island was, that "an alien of colour being free, may be tried, condemned, and executed, upon slave evidence."—There was, therefore, no pretence for deporting them, as they might, if any real charge had existed against them, and if they really were aliens, as was so confidently alleged, have been brought to justice upon the lowest species of testimony.

Looking through the whole of the documents, it was clear that there did not exist the slighest imputation against Escoffery; but against Lecesne some curious charges were brought forward. A man of the name of Jean Baptiste Corberand had given evidence, after Lecesne's deportation, that Lecesne had furnished arms to the insurgents of St. George's; but it was afterwards clearly proved, that the testimony of this man did not deserve the smallest credence. Here he could not avoid adverting, for a moment, to the trials which had taken place in Jamaica of slaves accused of insurrectionary conspiracies, and he believed that history did not furnish more flagrant instances of the violation of all the recognised principles of law and justice, than were furnished by those trials. In one case, the wife was the witness on whose testimony the husband was condemned to die; in another, a father was hanged on the vague statement of his son, a mere youth, whose testimony, even had it been true, would not have substantiated the very slightest charge of criminality against him in a British court of justice. It was quite appalling to contemplate the facility with which convictions were procured, and the rapidity with which the convicts were executed, scarcely three days elapsing between the accusation and the gallows. In some of those trials the slave Corberand, the sole witness who had charged Lecesne with supplying arms, acted a conspicuous part, and many individuals were executed on his testimony, and that of another slave, Charles Mack, both of whom had been promised their freedom in return for their discoveries. No question, however, now existed, that their evidence had been a tissue of contradictions, and of the most barefaced perjuries. A conviction to this effect, it might be now shown, prevailed generally in Jamaica itself, and indeed, so clear was the guilt of these witnesses, that they had been committed to gaol, whence Corberand effected his escape, but was afterwards retaken, and recommitted; and in the secret report of the Assembly of December, 1824, they were both denounced as dangerous persons, and the duke of Manchester had been addressed to send them out of the colony. Yet this man's assertion was the only evidence against Lecesne, as far as related to the supply of arms.

As a confirmation that Lecesne and Escoffery were in connexion with St. Domingo, another witness, captain Maclean, swore that "he had heard," that when sent there, they were received with the greatest kindness, and that money had been given them by the public authorities. The real fact, nevertheless, was, as appeared on unexceptionable testimony, that they were in a state of destitution on their landing in Jacmel, from whence they were directed to proceed to Port au Prince, to be examined before president Boyer, who dismissed them on the fortuitous production of a piece of a Jamaica newspaper, which one of them fortunately discovered in his trunk; and which contained the resolution of the secret committee, recommending their deportation. The president ordered this paper, in which Lecesne and Escoffery were accused of being his agents in Jamaica, to be translated and published with comments in the Haytian Gazette of January 1824, to warrant the public authorities in allowing Lecesne and Escoffery to remain. That they were in a state of the utmost poverty there, could not be doubted: they sold their watches and other trinkets; and such was their condition on their passage to England, that captain Chalmers, who brought them over, was obliged to give them some clothes. The assertions of captain Maclean are directly rebutted by the affidavit of this captain Chalmers, whose kindness and humanity to them, cannot be sufficiently acknowledged.

The late captain Dawkins who commanded the brig Helicon, which conveyed these men to St. Domingo, although in consequence of instructions received from the government, he had refused them the liberty of even sending a letter to their families, afterwards treated them with great kindness and humanity, and it was to his recommendation of them to Mr. Frith, a British merchant at Jacmel, that they were indebted for all the attention and hospitality shewn to them by that gentleman and other British merchants resident in Hayti, from whom, and in no degree from the Haytian government, they derived whatever pecuniary assistance they received.

But the animosity of Mr. Hector Mitchell did not end with the deportation of his victims. After they had been thus illegally torn from their families and their country, and forced into exile, he continued his unrelenting persecution of them. Their business, by which they had hitherto supported their families in comfort, was ruined; and, in this emergency, the wife of Lecesne was left to depend, as her only resource, on the weekly earnings of two slaves whom she hired out, as the means of providing the necessaries of life for herself and her children. Discovering this, what did Mr. Hector Mitchell do? He had one of them, named Pierre, arrested without the shadow of a charge against him, and confined in a cell. While there, Hector Mitchell caused him to be brought into his own presence, and used every possible method of inducement, by tempting promises and by threats, to prevail with him to furnish information which might tend to criminate his master, and to substantiate the story which it is believed that he himself had taught the negro Corberand to give as evidence against Lecesne. The offer of large pecuniary rewards and of freedom, and intimidation, were in their turn employed to induce him to yield to Hector Mitchell's wicked purposes; and as a punishment for steadily resisting all those efforts to convert him into an instrument of vengeance against his master, the poor slave was subjected to incarceration in a dungeon appropriated to condemned felons, in which he remained for seven months, till his health was ruined and his limbs were scarcely capable of supporting him. He was then discharged by proclamation, no charge whatever having ever been made against him. Slaves in Jamaica may, by law, be imprisoned for six months without any charge being made against them. If, in that time, no charge should be made, they are then, at the first court which is held after the expiration of the six months, discharged by proclamation.

Mr. Mitchell having soon found, that he could make nothing of Pierre, had his brother and fellow slave, named Sanon, taken up, and the same methods of bribery, intimidation, and coercion, were resorted to in his case, and with similar success. Sanon was kept in confinement, though not so closely as his brother, for ten months. During the whole of this long imprisonment, Lecesne's wife and family were deprived of the means of subsistence they would have derived from the labour of Pierre and Sanon, and were in consequence reduced to the greatest indigence and distress. One of these individuals, Pierre, was now in this country. He (Dr. L.) had seen him; he had himself examined him: he was now ready to appear at the bar of that House, and he would venture to say, that no man could hear him, without being convinced of the veracity of his statements.

He would put it to the House, whether this was not, from the beginning to the end, a very serious business, in which every principle of justice and humanity had been grossly violated.

It also happened, that one of these men, Lecesne, had, some years before, taken a poor Irish sailor boy, whom he found in the streets suffering under a fever, into his house, where he was protected and cured. This boy, who was now grown up, had been anxious to accompany his benefactor in his exile, but was prevented from following him on board the vessel in which he was sent away from the Island. He had since, however, worked his passage to England in order to join him. He (Dr. L.) would not wish for a better witness than this youth; he was possessed of remarkable talents, and was ready to undergo any examination or cross-examination to which he might be subjected.

He was therefore prepared, not only by documentary but oral evidence, to prove the whole of his case. He had spared no trouble in arriving at the truth. He had carefully examined and re-examined every document. He had seen the individuals whose cause he advocated not less than thirty times, and he declared, upon his honour, that he had not stated a single word to the House which he did not in his conscience believe to be true, and which he did not also believe he could establish in evidence to the satisfaction of the House.

It was with great pain he felt it his bounden-duty to state, that the blame of this transaction must, in a very considerable degree, fall upon the duke of Manchester. He could not help here adverting to the first letter which the duke had sent to lord Bathurst on this subject, and which entirely sinks the material circumstance, that these men whom he had deported as aliens, had been proved, in the Supreme Court of the Island, to have been British-born subjects. Why was this fact concealed? And why did the duke lend himself to the untrue assertion that the affidavits which stated them to be born in Jamaica were furnished by their creditors, when not one of those who made them was a creditor of either of those exiled persons.

The duke of Manchester, he feared, had not merely acted under the advice and by the inducement of others, but he had made himself a party in this case. He begged to call the attention of the House most particularly to the language of the noble duke in this memorable despatch, in which he declared, that he should not have felt it necessary to trouble the Colonial Secretary with any details on this subject, if he had not understood that an intention existed to make some representation to his lordship on the subject.—What! not think it necessary to give some explanation or justification of his conduct, when the prospects of these individuals had been ruined and blasted for ever, without having committed any offence which could be justly imputed to them! This was, indeed, most extraordinary.

But, besides this, the duke of Manchester had applied to Mr. Burge, the Attorney-general of Jamaica, who had framed for him a defence, founded upon documents which had nothing whatever to do with the merits of the case. The report of the Attorney-general of Jamaica was conceived in terms, and dealt in assertions, to which he (Dr. L.) could have hardly conceived it possible that any man of integrity or impartiality would have dared to resort, much less any lawyer of reputation.—The assertion, that there were insuperable difficulties in ascertaining the facts of this case, because one class of witnesses would not, and the slaves could not give evidence, was utterly false; for he had shewn clearly, that slave evidence might have been received against aliens of colour, had they really been so as was alleged. The assertion of Mr. Burge, that the individuals who made affidavits in favour of Lecesne and Escoffery before the Grand Court, "have since placed themselves beyond the reach of justice by withdrawing from the Island," has no foundation whatever in fact; every one of those persons, if still alive, being now in the Island of Jamaica.

In conclusion, he implored the serious attention of that House, to one of the most atrocious violations of justice, which had ever been brought under its consideration. Parliament could never be better employed, than in affording redress to petitioners, who, like those who now brought their wrongs before the House, were suffering from a gross abuse of power, and an utter disregard for all the principles of justice. Upon the part which the House took on this occasion, the attachment of the free coloured population of Jamaica to the constitution and government of this country, and the vital interests of Jamaica itself, might, in no slight degree, depend. The hon. and learned member concluded by moving,—

"That a Select Committee be appointed to examine into the Deportation of Lewis Lecesne and John Escoffery, from Jamaica; and to report their observations thereupon to the House."

Mr. *Wilmot Horton* said:—

Sir, although a great part of the observations of my hon. and learned friend who has just sat down, relate to judicial proceedings, which have taken place in the island of Jamaica, and refer to points of law which other persons would be infinitely more competent to discuss, yet, as the House cannot fail to expect some explanation from me upon the present occasion, and more especially with respect to the conduct of the duke of Manchester, upon which the hon. and learned gentleman has made severe reflections, I shall proceed to examine the course of arguments which he has employed.

But, in the first place, I must be permitted to express my astonishment, that my hon. and learned friend should have totally omitted all mention of the fact of his having had a conversation with me upon this subject, in which conversation, he was told, in the most unequivocal manner, that the merits of this case did not rest on the papers which had been laid on the table of the House, but that there was other evidence on which the case mainly did rest, which the noble lord, at the head of the Colonial Department, could not, consistently with his official duties, with reference to the circumstances under which this evidence was transmitted to him, consent to lay upon the table of the House; and my hon. and learned friend will remember, that, so far from protesting against all investigation of the subject, a distinct intimation was conveyed to him, that there would be no objection in principle to the appointment of a Secret Committee, for the purpose of examining all the circumstances of this very complicated case, and of considering what course it might be most expedient to adopt. The House will therefore at once perceive that, not being relieved from the necessity of submitting an imperfect case on the defence side of this question, I am called, under circumstances of extreme disadvantage, to meet the hon. and learned gentleman, who has stated such an infinite variety of matter, with the utmost expressed confidence of his own accuracy, and in the contradiction of which, I am precluded from availing myself of that main part of the case, which, of necessity, has not yet been brought under the cognizance of the House.

The evidence in this case, as it appears in the papers published, is unquestionably of a contradictory nature and character: but this evidence does not extend to the merits of the case. I should have no hesitation in admitting, that if it be proved that the facts of the case have been in any degree intentionally falsified, with the view of establishing the alienage of the parties, or still more for the purpose of proving them, though innocent, guilty of a treasonable conspiracy, the most serious injustice has been done towards them; but, I can have no difficulty, even as at present circumstanced, in supplying the arguments that appear to me to be conclusive in defence of the conduct of the duke of Manchester. In officially directing the deportation of these parties under the Alien act, he was supported by the unanimous opinion of his council and of the Secret Committee of the House of Assembly. The hon. and learned gentleman has attempted to impugn the character of individuals of that committee. He must be fully aware that it is necessary that such insinuations should be changed into proof, before the evidence of such a committee should be considered as of no authority. The Attorney-general of Jamaica, an individual respecting whom the hon. and learned gentleman has used very strong language, but whose character, I believe, stands as high as that of any man, strongly and urgently insisted on the necessity of the measure of removing these aliens from the country, founding his justification of that opinion upon the evidence presented before the Secret Committee, and of which evidence, as I have already explained, the House are in entire ignorance.

With respect to the alienage of the parties, it is true that they had sued out a writ of habeas corpus, and that, upon the affidavits presented on one side and on the other, they had been discharged under that writ: but still, notwithstanding the tendency of the evidence upon that occasion justified the decision in favour of their English birth, if it can be shown that that evidence was false, and if the fact be that they were aliens, no violation of law has taken place in directing their removal, notwithstanding the previous decision of a court of justice: for that court of justice could only decide on the evidence before them; and if it should ultimately be shewn, that additional evidence, of an unimpeachable nature, has been subsequently produced before the Secret Committee, substantiating their alienage, the Governor in council would not necessarily be bound by the opinion of the court of justice, founded on evidence less perfect and comprehensive. But, under any circumstances, the duke of Manchester was called upon to act upon such unanimous recommendation. He could derive from no source, any reason to influence him to a contrary course, and, though officially responsible for an act of executive authority, even if the proof of alienage were insufficient, he would be morally absolved from indiscretion in the decision which he had made.

The hon. and learned gentleman, in the beginning of his speech, spoke strongly with respect to the condition of the free coloured people of Jamaica. This is not the opportunity for discussing, in the abstract, the subject of the privileges withheld from that class;—but, although the free coloured people of that island were under certain disqualifications, that circumstance did not absolve them from their allegiance to the government. The point upon which the case mainly rests is, whether a conspiracy against the government did actually exist, and whether the petitioners were parties to that conspiracy:—and upon that question the House are at present disqualified from forming any conclusive judgment, from the necessity of withholding the evidence (to which I have already alluded) which was produced before the Secret Committee; and upon which evidence the unanimous recommendation of the Secret Committee is mainly to be justified;—and therefore, whatever contradictions may or may not exist in the evidence which has been laid upon the table, it is necessary that the House should suspend its opinion, and hold its judgment in abeyance upon the whole case, until that whole case may come before them.

It is a matter of too great notoriety to admit of denial, that at the period preceding the removal of these aliens, a great degree of alarm prevailed in Jamaica, and the strong language used by the free people of colour in the island was calculated to justify the apprehensions that were entertained. The principal Committee of the free people of colour addressed a letter on the 14th of July 1823, signed by Mr. Simpson their chairman, and Mr. Scholar their secretary, to Mr. Wilson, in London; and in that letter they say, with reference to the operation of the law of Jamaica, "Our long endurance of such grievous oppression, while evincing our unwillingness to adopt coercive measures, proves also our loyalty and devotion to the British crown and government; for, what else could induce submission to a system so tyrannical as that we labour under, and which, possessing as we do, a great physical superiority, we might, by one energetic effort, overthrow and destroy?" The House must not estimate the effect of intimidation, which such language is calculated to produce, by any analogies that our own country can furnish. The agitation in the mind of the negro population throughout the West Indies is also a fact too notorious to admit of contradiction; and the existence of a conspiracy at a time when such language was employed, could not be a matter of surprise to any person who knows the nature of the elements of society in that country, and the danger to which their physical inferiority must necessarily reduce the white population, if treason and rebellion be not checked in the moment of their earliest developement.

The duke of Manchester, therefore, felt himself under the influence of an overpowering public necessity, to direct the measure of the removal of these aliens, whose presence in the opinion of the Attorney-general, of the Council, of the Secret Committee, of the Assembly of the island, and of a great majority of the resident planters, was dangerous to the safety and well-being of the community; and who is there, who in fairness would withhold their support of the duke of Manchester upon this occasion, when they consider the responsibility which he would have incurred if, in opposition to this unanimity of feeling and impression upon the subject, he had refused to accept their suggestion, and if the breaking out of a treasonable conspiracy had been the consequence of such refusal?

There are many parts of the case brought forward by my hon. and learned friend, to which I am unwilling to advert, that I may not be involved in any premature argument upon the merits of the case, as they affect the decision and recommendation of the Secret Committee. I contend, that, upon that part of the case, the House are at present incompetent to form a correct judgment, and on that ground, I justify my omission in not replying to the general accusations of my hon. and learned friend. But, there are one or two points on which I cannot refrain from observation. The hon. and learned gentleman speaks of the unshaken consistency which appears in all the memorials that have been presented by these petitioners; yet it will be observed that in their first petition to the House of Commons they denied ever having had any intercourse or connexion with Hayti, or any other country except Great Britain. Now they admit the fact of correspondence, but attempt to justify that correspondence, which, in the first instance, they had solemnly denied, and which is in direct violation of the existing laws of Jamaica, by pleading, as an excuse, that it was of a commercial nature, and by stating, that others, from whom more attention to the laws of the country might have been expected, had been employed in the same illicit trade.

The hon. and learned gentleman has inculpated, in the most grave and serious manner, the character of an individual, Mr. Hector Mitchell, who unquestionably took a prominent part in these transactions, which he was called upon in his public duty to take. Of that gentleman I have no personal knowledge, but all that I have heard of him is in favour of his character and of his honour, and would not permit me to suppose that the hon. and learned gentleman can be justified in his accusations against him. If Mr. Hector Mitchell were really guilty of the atrocities laid to his charge, by the hon. and learned gentleman, God forbid that I should say one word in his justification, but, to believe he was so guilty, would be to believe that all the persons whose duty it was to watch over the administration of justice in Jamaica, had neglected their duty in a most extraordinary and culpable manner. It is on these grounds that I think I have a right to call upon the House to suspend their judgment with respect to the conduct and character of this gentleman, until he himself has been furnished with the opportunity of defence.

The hon. and learned gentleman laid great stress upon the petitioners having obtained their "Privilege Papers," as a fact which shewed that their birth in the island of Jamaica could never have been a matter of doubt. I have the authority of the Attorney-general of Jamaica, in disproof of this inference, who distinctly states, that privilege papers are granted without difficulty to parties, without any necessity of proof as to their having been born in the island, and who cites the acknowledged practice of the corporation of the city of Kingston, and their authority for the explanation in confirmation of this statement. It would appear, that after the passing of the Privilege act, from the general desire to render its operation as extensive as possible, the corporation have been in the habit of granting certificates without any inquiry into the places of birth of the persons applying for them, and very frequently to persons who were known to be aliens.

Under these circumstances, Sir, I cannot consent to concur in any censure, direct or implied, upon the conduct of the duke of Manchester, which upon grounds so limited as those which are now before the House, it may be attempted to pass upon him. If the proposition of a Secret Committee which was made to the hon. and learned gentleman had been acceded to, there would have been no necessity for that suspension of judgment, for which, under existing circumstances, I think I have a right to call on the part of this House. I shall therefore not think it necessary to detain them any longer, and leave it to the House, without hesitation, to decide, whether the statement of the hon. and learned member has established any thing like criminality against the duke of Manchester and the government of Jamaica.

Mr. Scarlett said, that he should be very unwilling to support the motion, if he conceived that it implied any blame on the duke of Manchester; but this was not either the intended object or the necessary result of his hon. and learned friend's proposal. It appeared probable to him, however, that the duke of Manchester had been misled in this transaction, either by an incorrect statement of facts, or by the persons whose duty it was to advise him; and he understood the arguments of his hon. and learned friend to apply rather to those individuals than to the duke personally, who could not be supposed to be actuated by any thing but a desire to do justice in the administration of the trust reposed in him.

The honourable under Secretary for the colonies had alluded to certain documents not before the House; from which he alleged, it would appear, that the transportation of the individuals in question was fully justified by evidence and information obtained subsequently to their being discharged by the Supreme Court, but that it was not expedient at present to submit these documents to the House. This was certainly a sufficient ground for suspending any final judgment upon the conduct of any of the parties to the transaction; but not, in his opinion, a sufficient ground to resist further inquiry. He was bound for the present to suppose, upon the statement of the hon. gentleman, that the documents in his possession, upon the face of them, warranted that statement. But, he could not help observing, that there were some circumstances in the papers and the evidence now produced to the House, which tended to throw a strong suspicion on the source from which his Grace had derived the additional testimony contained in the documents which were for the present withheld.

He had done, upon the present occasion, what he very seldom did with regard to the voluminous papers upon the table of that House—he had read attentively the affidavits on both sides, exhibited in the Supreme Court, upon the discussion of the habeas corpus. He had been induced the more particularly to do so, because a near relation of his own—to whose learning, capacity, and integrity, he was glad of this opportunity of bearing testimony—was the presiding judge in that court. He would undertake, by a very few observations upon these affidavits, to satisfy the House, that the Court could not have done otherwise than discharge the prisoners; and would, at the same time, point out the circumstances in the evidence which had left a strong impression on his mind against the integrity of the parties who had originally caused the petitioners to be imprisoned, and from whom, probably, the subsequent information in the unproduced documents had been derived. Previous to the application for the habeas corpus, it appeared, by the papers on the table, that some proceeding had taken place, probably for the information of the governor, upon the question of Lecesne's place of birth. In these proceedings, the strongest evidence against him was contained in an affidavit of his half-sister, Lucille Lecesne, who swore that he was born at Port-au-Prince. This affidavit was made the ninth day of October, 1823. Now, the rule to shew cause why a habeas corpus should not issue, was granted on the 17th of the same month. In support of which were produced, amongst others, the affidavits of four persons, Harvey, Charlotte Lecesne, Rose Mandrew, and Wilson; sworn the eleventh of October, for the purpose of proving that Lucille Lecesne the half-sister, both before and after she had made her affidavit of the 9th, had stated her perfect knowledge that her brother was born in Kingston, that she had on the seventh declared her intention to make an affidavit to that effect on his behalf, but that on the ninth and tenth, she had refused; alleging, that she had been prevailed on by three white persons to swear against him, and particularly by the persuasions of a Mr. Villegraine; who told her, that if her brother was shipped off, as he would be in consequence of her affidavit, she would become intitled to one half of her father's property; and threatened, besides, if she did not make this affidavit, that she should herself be imprisoned and put into irons. Now, although the Court had, in the first instance, granted only a rule to show cause, and thereby given a full opportunity, both to this woman and to Mr. Villegraine, to contradict these four affidavits, yet no affidavit was produced by either of them to deny or explain the very serious matters alleged against them. And this was the more remarkable, because it appeared that Villegraine was a white man, that he had made an affidavit against Lecesne, swearing very concisely that he was born at Port-au-Prince, but without any circumstances, and leaving it doubtful whether he swore to his own knowledge or by information. The House must see, that these grave imputations upon the principal witnesses on one side of the question, remaining unrefuted after a full opportunity for refutation from the 17th to the 25th day of October, when the habeas corpus was finally granted, could not fail to have a decisive influence upon the judgment of the Court, even if the remaining part of the evidence had been more doubtful than it appeared to be. There were, undoubtedly, contradictions; but the preponderance, independently of the circumstances he had mentioned, was greatly in favour of the petitioners' claim to be native subjects.

The observations of the Attorney-general of the island on this subject were somewhat singular; for he expressed his astonishment that the Court had, in their decision, not paid more attention to the affidavits of persons of the character of Mr. Mitchell, a magistrate, and of Mr. Innes, a police officer; as if it were the practice or the duty of judges to be influenced by their notions of the character of witnesses who made affidavits, instead of the facts which those affidavits contained. While this imputation against Mr. Villegraine, of having suborned a witness to commit perjury against the petitioners, remained, the hon. and learned gentleman said, he must suspect whatever came from the same source. Whatever objection there might exist to the production of the subsequent evidence as to the conspiracy, there could be no mischief whatever in publishing that—if there was any—which related to the birth of the petitioners. If that evidence was not submitted to the House, then he would say, that Lecesne and Escoffery were the most oppressed of men. They had been not only forced to quit their occupations, and to abandon the means of their subsistence, but transported from the country in which they claimed the right of nativity, after the unimpeached and unimpeachable judgment of a Court of competent jurisdiction in their favour. They had no other tribunal left to which they could appeal but the House of Commons; and he thought that House would not do its duty—would not act in its usual character of defender of the oppressed—if they did not call for the production of the evidence.

But, he begged to be distinctly understood, that he did not call for the evidence, or vote for inquiry, with any object to criminate the duke of Manchester. He had, on the contrary, a decided objection to making the functions of that House subservient to the production of evidence, to be afterwards used by private parties in a court of justice. And he was willing and desirous, that the condition on which the petitioners should be allowed to seek for such redress as might result from an inquiry by that House, should be, a pledge of their forbearance to make use of any of the evidence that might be laid before the House, in support of any actions they might be advised to bring, or had already brought, against his Grace. But, when he considered the very peculiar state of society in the colonies, he thought it was impossible for the House to pay too much attention to appeals of a description like the present. The population, of which the petitioners formed a part, was of great importance to the West Indies. It was, he believed, rapidly increasing both in numbers and intelligence; and, in his opinion, was likely to form a very important security against the most dreadful of all revolutions that could affect the colonies. At the same time, it was not to be supposed that the white population could speedily be brought to view the importance of the people of mixed colour in that light. The prejudices which had, for so many generations, led them to consider the blacks as an inferior race, naturally extended to all who had a mixture of African blood in their veins.

He was far from meaning this as a reproach to the whites. He considered it as a feeling necessarily resulting from the state of society in which they found themselves, and to be treated, not with reproach or contumely, but with the greatest caution and delicacy. Whilst that feeling existed, there was a natural jealousy of any approach of the people of colour to an equality of rights with them. He had reason to believe, that the footing on which the people of colour in Jamaica were now placed, had been obtained for them by great prudence and judgment in the conciliation of that feeling, and that many of the white inhabitants still retain a great portion of the doubt and hesitation with which they had assented to the privileges of the people of colour. If the least cause of alarm occurred—if the slightest suspicion were awakened — of any thing like revolt or disaffection amongst the slaves—it was too easy, in the fear of so overwhelming a calamity, to confound the means of defence with the causes of danger, and to view the most innocent actions of a distrusted party as indications of conspiracy and guilt. He thought it possible, and he meant to say no more, that the petitioners might have been the victims of this apprehension, and that the ruin of the individuals upon pretexts too slight to bear examination, was the result of a prejudice against the class to which they belonged. If this were so, in his judgment, it became the more incumbent on that House to show to the free people of colour that they were not driven to seek redress for their wrongs by force, but might expect it from the wisdom and justice of the House, if denied to them by the fears or the prejudices of the whites. He therefore trusted, that, for the safety of the colony, for the honour of the House of Commons, and in justice to these two unfortunate men, the motion of his hon. and learned friend would be unanimously agreed to.

Mr. Secretary *Canning* said, that, under all the circumstances, however he might have been disposed to prefer the course suggested by his hon. friend, the under secretary for the colonies, he should not now oppose the appointment of a select committee. The short question upon the present charge, as it applied to the conduct of the duke of Manchester, was, whether the duke had or had not treated British subjects as aliens only could lawfully be treated: that was a simple question, and one easily capable of proof, but one which certainly was neither proved nor disproved by the evidence already before the House. In one admission, however, all parties must agree; namely, that when the duke of Manchester came forward, offering to wave the privilege which his absence gave him, and submit to clear his conduct by a trial at law, he did entitle himself, so long as the question was pending, to the suspension of every thing like severe or unkind judgment against him. It was a strong presumption, not only that his grace had conducted himself with propriety, but that it was his own conscientious belief that his conduct would bear investigation. Had he made this proposal at the commencement of the business, it would have entitled him to this favourable construction; but much more was he entitled to it, when he made this proposal, after knowing the impression which had been made, the exaggerations which had gone abroad, respecting the case of these individuals in this country, and after he had reviewed, in consequence, all his own proceedings, and had closely examined the conduct of every officer concerned in the transaction. The hon. and learned member for Peterborough had observed, that if the duke of Manchester had done wrong, he had probably been misled. In this opinion he entirely concurred; but it was yet to be shown that the duke, in what he had done, had exceeded his authority: and that he himself entertained no apprehension as to the result of his conduct, was at least to be presumed from the readiness with which he courted inquiry into it. The main feature in the case then came to be considered—namely, what there had been in the conduct of other persons apart from that of the duke of Manchester, which afforded ground for complaint; and, upon that point he was free to say, that government had at least so far thought there was ground for investigation, that the commissioners in the West Indies had received instructions (and in about a month hence they would be in Jamaica) to examine into all the circumstances, and transmit home a report generally upon the transaction. Under these circumstances, he was certainly not disposed to maintain the proposition that no further inquiry was called for. He admitted that it was, and that it ought to be had; but, both the offer made by the duke of Manchester and the course of justice required that they should be separated, and not involved one with the other. The inquiry into the other parts of the case could not co-exist with the inquiry into the conduct of the duke of Manchester. He was prepared to admit the necessity of inquiry; but it was morally impossible, at that late period of the session, that it could then be gone into and brought to a determination. When he considered the distance of the place, and the voluminous mass of evidence collected in the progress of the inquiry, he thought that the hon. and learned gentleman must himself admit, that to go into an inquiry at that period could not lead to any beneficial result. He would recommend that advantage should be taken of the interval between the close of the present session and the beginning of the next, to obtain the report of the commissioners, and to procure further evidence. He should have no sort of objection to enter into the inquiry early next session, and to allow that inquiry to be as ample and complete as the hon. and learned gentleman could wish. Enough had already transpired to excite a public feeling against the duke of Manchester; and he thought it was not fair to aggravate this prejudice by entering into an inquiry which could not be brought to a satisfactory conclusion. On the one hand, the government had more evidence to procure; and on the other, the hon. and learned gentleman, who had already obtained so much evidence, and who shewed no want of a zealous disposition to obtain evidence, would have an opportunity of making his case more complete, so that both sides would come to the discussion at the beginning of the next session better prepared fully to elucidate the matter.

Mr. *Brougham* rose, to request his hon. and learned friend to accede to the proposition of the right hon. Secretary opposite, which he thought, the state of the session considered, was the best calculated to obtain the ends of substantial justice. As the evidence stood, the transaction was a most iniquitous one. These three points would have to be made out: first, that there had been proof that the complainants were aliens; secondly, that there had been the sedition imputed; and thirdly, that there had been ground for sending them away without being heard in their defence. Now, as the case stood, it was nonsense to talk of conflicting evidence; the proof of the birth was as clear as could be desired. What might arise out of the papers further to be produced, he could not judge; but the matter stood as he described it at present. With reference to the postponement of the committee, he would further observe, that it was only just to take the case of the individuals into the consideration of the House. They were highly respectable men; they had been ruined by their banishment; and had hitherto been supported by the contributions of some benevolent individuals; but certainly, as this delay was to take place, some means of existence ought to be afforded them by parliament.

Mr. *Sykes* deprecated the idea of adjourning the inquiry for another year; but if such were the wish of the House, he would not be positive in opposing it. This, however, he would say, that it was the duty of the House to provide for the maintenance of the complainants during that time, as they were totally without funds, and supported by the charity of friends.

Mr. *Grossett* said, he took a different view of the case from the gentlemen opposite. He thought these persons might be guilty, and he denied that they were entitled to be provided for.

Mr. *W. Smith* hoped the House would support these injured individuals, without any reference to the view just thrown out by the hon. member.

Mr. *Brougham* reminded the hon. member, that all his statements were derived from private letters, and that all the evidence which had been brought before the House by his hon. and learned friend had been taken on oath.

Sir *C. Forbes* thought this a case of greater oppression than any he had ever heard of in the East Indies.

Dr. *Lushington* then replied, and animadverted with great warmth on a pamphlet, published by an hon. member (Mr. Grossett), stigmatizing the character of the unfortunate petitioners in the most unwarrantable manner. He had read that pamphlet with the utmost disgust, and with contempt the most unmitigated. He would accede to the proposal of the right hon. Secretary for postponement, but he called upon the House, in the mean time, to consider the destitute condition of the parties; and he relied upon the right hon. Secretary, for the institution of a full, entire, and free inquiry, in the next session, and to facilitate his exertions to obtain justice for the parties concerned.

The motion was then, with the leave of the House, withdrawn.

Buckingham House Bill.] On the order of the day for the second reading,

Mr. *Bankes* expressed his regret, that a site had not been chosen on which a palace might be built more accordant with the opulence of the country and the dignity of the sovereign. He thought that Hyde-park or the Regent's-park would be much more eligible.

The *Chancellor of the Exchequer* admitted, that it would be desirable to have a palace in which the dignity of the Crown and the personal comforts of the sovereign might be consulted; but it was not the wish of his majesty, in the arrangements now in contemplation, to infringe on the conveniences of the public, by any encroachments on the parks. It would, no doubt, be desirable to have a site for a palace, in which accommodation might be afforded, not only for his majesty, but for the different branches of the royal family, the ambassadors, and the great officers of state. He had seen the splendid plans of Inigo Jones, for a royal palace, which he could wish to see erected; but it could not be accomplished in any of the royal parks, without infringing materially on the comforts of the public. Hyde-park would therefore be an injudicious selection, as far as the public was concerned, and as respected the sovereign himself; for though it might be desirable to have the residence of the king public, to a certain degree, it was also necessary that it should afford the means of privacy. If the palace were built in Hyde-park, it would be necessary to have enclosures round it, and if plantations were now made, it would take some twenty years before they were of sufficient growth to secure that degree of privacy which would be desirable; and even this, if it could be acquired, would be a great encroachment on the accommodation of the public, whether it was in Hyde-park or Kensington-gardens. It would be found, also, that the Regent's-park would be at an inconvenient distance for the despatch of public business. With respect to Buckingham-house, there might be inconveniences, but there were advantages belonging to it which could not be found elsewhere. As to the abandonment of Carlton-house, it did not arise from any capricious taste on the part of his majesty. It might be said rather, that instead of his majesty wishing to leave that house, the house seemed disposed to leave his majesty. The lower part of the house consisted originally of offices, but was now changed to apartments where his majesty resided; and when his majesty had company in the upper, they were obliged to be propped up. The house had not been furnished for these thirty years, and was quite unfit in many other respects for a royal residence. He did not give any opinion, on the question of expending a million, or a million and a half, on a suitable palace for his majesty; but, supposing such a measure to be adopted, what was to become of his majesty in the interim? And, supposing a royal palace to be afterwards erected, the present buildings would not be lost to the country. It was not an improbable thing that we might have a queen dowager, or an heir apparent, each of whom would require a residence. As to Carlton-house, by its removal an open view would be obtained from Regent's-street to the Park and the Horse-guards; and, on that supposition, buildings might be erected which would be highly ornamental to the metropolis; and at the same time government might so dispose of part of the ground situate in that neighbourhood, as to produce an income sufficient to defray the expense of some of the projected improvements. Part of the site of Carlton-house might be advantageously applied in the erection of buildings for the accommodation of the Royal Academy and the National Gallery. For the former, the Strand was most inconvenient; and for the latter, the British Museum was not the most proper place. With respect to Buckingham-house, it was absolutely necessary, for the comfort of the sovereign, that some improvements should take place. It was in its present state, desperate dirty. The expense, he would admit, might not be less than 200,000*l.*; but even if it were not to be the permanent residence of the sovereign, it would still be an ornament to the metropolis, and highly desirable for the accommodation of other branches of the royal family.

The bill was read a second time.

HOUSE OF LORDS.

Friday, June 17.

RATE OF INTEREST IN INDIA.] The Marquis of *Hastings* rose, to introduce a bill to explain the clause of the act of the 13th of George 3rd, which had been supposed to limit the rate of interest on loans made in India to 12 per cent. He objected, we understood, in the first place, to the opinion given by the law officers of the Crown on the construction of the clause of this act. He paid the greatest deference to their opinion; but he must dissent from it, when he found it in contradiction with the system which had been acted on for half a century in India. It surely could never be maintained that the simple opinion of counsel, however respectable, should supersede so long a practice. This, it was true, was not likely to happen now; but bad times might return, and their lordships should be careful not to establish such a precedent. The opinion given purported, that the clause in question extended to the whole of India, even to powers totally independent of the East-India company—than which nothing could be more unjust, when it was considered what the practice had been. The preamble of the act showed what the meaning of the clause was. It was made penal to take a higher rate of interest than 12 per cent, because, under the plea of interest, presents had sometimes been corruptly taken; but the framers of the bill never dreamt that they were competent to restrain British subjects from taking any rate of interest in the dominions of an independent prince, over whose states they had no authority. If this could be supposed, the greatest confusion and inconsistency would appear in the subsequent practice of the government of India. How could acts done in foreign independent states be made prosecutable and recoverable only in his majesty's courts in India? This would be to suppose that a penalty was enacted which these courts had not the means of inflicting. The noble marquis then proceeded to show, that the construction put upon the act of parliament by the law-officers of the Crown was inconsistent with regulations which had been subsequently made by the supreme government of India. These regulations had the force of law. They were not issued until after they had been registered in the supreme court of justice, and they were annually laid before parliament. These regulations had sanctioned the lending of money at a much higher rate of interest than 12 per cent. A regulation was promulgated in 1793, authorizing the recovery of interest at 24 to 37 per cent. Another regulation, made in 1803, extended the rate of interest to 30 per cent. These regulations, and the practice which had been constantly followed, clearly showed, that the court of directors and the government of India had never understood the act to put any limit on the rate of interest, with respect to contracts made by British subjects domiciled in the territory of a foreign prince. On these grounds he submitted to their lordships a bill to amend and explain the act of the 13th of George 3rd. After the first reading, he should move that the opinion of the judges be taken, to ascertain whether the bill he now introduced clearly and effectually explained what ought to be in the meaning of the clauses of the act relating to the rate of interest.

The bill was read a first time.

HOUSE OF COMMONS.

Friday, June 17.

JUDGES' SALARIES BILL.] On the order of the day for the third reading,

Mr. *Brougham* said, that his opinion remained unchanged as to this bill, which he believed to be unjust and uncalled-for. Let the House only look at the progressive increase of the salaries of the puisne judges. A few years ago their salary was but 3,000*l.* a-year, and 25, or rather 33, per cent was then added, to make up for the increased price of the articles of life, and that was deemed sufficient. The prices lowered; but no reduction of the salary was the consequence. Then followed the restoration of the currency, which must again have made a difference in their favour, amounting to 25 per cent more, independent of the reduction of taxes, and other branches of their expenditure. The consequence of these several additions since the year 1809, was, that the judges' salaries were raised in the proportion of 7,000*l.* a-year, as compared to the 3,000*l.* with which they were satisfied 15 years ago. If granting these large and unnecessary allowances to the judges, was evincing a faithful stewardship of the public purse, then he did not know what the meaning of an unfaithful steward was. He wished to see the dignity of the judicial situation upheld; but he disliked to see it done at this expense; and still more he disliked their being placed in the track of promotion, or translation, like the bishops; because he was convinced that in the law, as in the church, such prospects were detrimental to the public service.

Mr. *John Williams* concurred in the observations which had been made by his learned friend, and regretted that ministers had persevered in carrying the measure through the House. He knew the difficulty of making any general regulation for the particular age at which a judge ought to retire; for some men were as competent to transact business at 70 years of age as others were at 60. It was, however, painfully remarkable to notice the age at which judges were appointed, with very few exceptions, to the bench, and more particularly during what might be called the dynasty of the present lord chancellor. His opinion was, that 5,000*l.* while in office, and 4,000*l.* on retiring, was a fit and proper salary.

Mr. Secretary *Peel* said, that nothing would be more absurd than to establish, as a general regulation, that a judge should not be appointed until, or should retire at, a certain age. Considering the bodily labour to which a judge was subject, provided at the age of 45 he had a character in his profession and sufficient professional qualification, he saw no reason why want of age should be a disqualification. He had no such impression on his mind, that 60 was a proper age. The effect of this increase would be, to induce men to undertake office who had sufficient bodily power to undergo its fatigues.

Mr. *Hobhouse* thought the augmentations had been carried to an extent beyond all reasonable endurance. Why should the judges be paid more than the Secretaries of State? He was one of those who thought that the dignity of a judge was not dependent upon the amount of his salary. Nor could he see the propriety of stimulating the judges to move out of their present quiet circle of society, and rear the younger branches of their families at the west end of the town. Besides, he had to complain that several useless offices were still maintained about these courts. So decidedly opposed was he to the proposed augmentation, that he meant to move, as an amendment, that the salaries of the judges be reduced from 5,500*l.* to 5,000*l.* The increase was considered by lawyers of different politics as entirely too much. There was another subject to which his learned friend had not adverted —he meant the principle of making the puisne judges immoveable.

Mr. *N. Calvert* thought there was still a great disproportion between the full salaries and the retiring allowances of the judges, which must have the effect of inducing men to cling to office at a time of life when they were unfit for its duties. He had seen judges on the bench who were labouring under two of the disqualifying infirmities of old age—deafness and peevishness.

The *Chancellor of the Exchequer* said, that if he were disposed, he could not now increase the amount of the retired allowances, although it was competent for the

House to reduce it. He contended for the propriety of the scale in the bill, and that it was calculated to induce persons to undertake judicial offices at a time of life when they were best calculated to perform their duties.

Mr. Serjeant *Onslow* said, that he personally knew the efficiency with which the judicial business was performed by the oldest judges on the bench, who were neither deaf nor peevish.

The bill was read a third time. Mr. Hobhouse then moved to leave out "five hundred." Upon which the House divided: Ayes 45; Noes 74. The bill was then passed.

SIR ROBERT WILSON.] On the motion, that the House resolve itself into a Committee of Supply,

Mr. *Abercromby* said, that as the Speaker was about to leave the chair, he begged to call the attention of the House to a subject of much interest, and to which he was sure the House would lend a favourable ear. He wished to call the attention of the House to the condition of one of its members—a person who had performed the most meritorious services to his country, and on whom foreign princes had conferred the highest honours —he meant his hon. and gallant friend the member for Southwark. He would first state, most distinctly and unequivocally, that he did not wish to attach the least blame to the persons at whose instance his gallant friend had been removed from the army, and still less would he say any thing which could cast the least reflection on his royal highness the commander-in-chief; nor would he call in question the authority by which he had been removed, nor impose restrictions on the prerogatives of the Crown. Far was it from his intention to complain of any opinions of hon. gentlemen upon this subject; nor did he intend, in the slightest degree, to invite a revision of the past. His object was, to persuade the House to do honour to itself, by shewing a sympathy with one of its members, the tenor of whose life, and his public services, had reflected equal honour upon himself and his country. That gallant individual was endowed in the most eminent degree with noble sentiments. His errors, if they were errors, had arisen from the excess of an ardent mind, and from an extreme zeal in the service of his country. It was unnecessary for him to say that the military career of his gallant friend, a period of twenty-nine years of service, had been interrupted by a measure which preceded all inquiry. He would ask any hon. member who heard him, whether, in consequence of any thing which had taken place, either there or elsewhere, his hon. and gallant friend was less valued and cherished by his profession, or less esteemed by the House or the country? Sure he was, that every man who heard him would answer in the negative. And, was such a man to have his military glory thus at once and for ever blasted? His hon. and gallant friend had been dismissed without either trial or inquiry. He sought inquiry; he courted investigation; but he was refused. He alluded to this part of the case, only for the purpose of calling to the recollection of the House the temper, the moderation, the great forbearance with which his hon. and gallant friend conducted himself upon that occasion. That conduct, on the part of his gallant friend, was a source of sincere gratification to his friends, and he was sure there were many gentlemen on the other side who regretted, that what they conceived to be their duty compelled them to vote as they did. He confessed, that seeing that this might perhaps be the last sitting of the present parliament, he was inclined to think that the sentiments of many members, hitherto adverse, must now be changed upon this question. Indeed, he would venture to ask them in what light they now viewed the conduct and character of his gallant friend. He appealed also to many gallant officers who had served with his gallant friend, who had shared with him the toils of the field, and participated in its glory and renown; he appealed to them, whether, if the name of that gallant officer were replaced in that list to which his heroic actions and valuable services entitled him, they would not hail his return amongst them with pleasure and delight. He had cautiously abstained from entering into a detail of the conduct of his gallant friend: he had avoided recounting his brilliant services; and he had done so because he felt it was unnecessary to enter into a history of that which was already known to the House, and because his only object was, to give those who were acquainted with his services, an opportunity of expressing their opinions upon the subject. Those opinions he fondly anticipated would be of such a nature as to induce certain individuals, in whom the feeling to do so was not wanting, to represent them in the proper quarter. Let it not be supposed that what had fallen from him was uttered with a view to prescribe a particular course to any hon. member:—let it not be thought that he wished to solicit any gentleman who heard him, to do that which did not emanate from his own free will, and a sense of his public duty. Neither did he wish, in making these observations, to give, in any way, a direction to the royal prerogative. Had he any such intention, his course would have been widely different to that, which he had pursued. But, he felt it right to say what he had said, because he knew that there must be in the mind of a gracious sovereign feelings in favour of gallant actions and services, such as had been performed by his hon. friend, and in order to shew that a favourable opportunity offered of extending the royal grace and favour in this instance in a manner which would be pleasing to the House, gratifying to the whole of the army, and peculiarly satisfactory to the country at large. All he had done was, to give the House an opportunity of expressing their feelings upon the subject; and if the result should lead to the restoration of his gallant friend to his rank in his profession, he should be glad, that he had been the humble instrument of an act so just and generous.

Mr. *Littleton* said, he could not avoid expressing the gratification he felt at what his learned friend had offered to the House. To refer back to the errors of the hon. and gallant officer, if errors they were, would shew both bad taste and bad feeling on his part; as, whatever they were, they were now forgotten, by a recollection of the great personal gallantry and devotion which that hon. officer had always shewn to the honours and interests of his profession. His restoration would be hailed by the whole country, and by none more than by those who might at the time, have approved of his removal.

Colonel *Wodehouse* was sure, that a more welcome proposition could not have been made to that House. The learned member had not suggested any course, but had left it to the grace and favour of his majesty, who was known to feel pleasure in passing acts of grace and favour. The military services of the gallant officer, coupled with his great private worth, and supported by the opinion of that House, would, no doubt, have considerable weight in that quarter, where grace and favour were known to dwell.

Lord *W. Bentinck* said, it was the opinion of the army generally, that there was no officer in the service, whose bravery and conduct had shed greater lustre on the British arms, or had rendered more essential services to his country than sir Robert Wilson. He would make no apology for his errors, nor question the prerogative of the Crown in dismissing officers from the army, but he thought that if the gallant officer were restored to his former rank, the deed would be approved by the whole nation.

Mr. *C. Calvert* said, it was not his intention to touch upon the military character or services of his hon. colleague, as both were too well known to require any comment from him; but he trusted that the recommendation of the House would meet with a favourable reception in the highest quarter.

Sir *M. W. Ridley* hoped, that the unanimous feeling expressed by the House in favour of his gallant friend, would induce an extension to him of the royal grace and favour. He had been long intimately acquainted with him, and in no man had he ever discovered greater integrity, spirit, gallantry, or honour. If the gallant officer had committed errors, they were errors arising from the best feelings, and they must be forgotten in the recollection of his former brilliant services. If the royal favour should be in unison with the opinion of that House, it would restore him to that service to which he was an ornament, and the honour and character of which, he would never tarnish.

Sir *R. Fergusson* said, he had often, and at a distant period, served with his gallant friend, and would venture to say, that no man in the British army had more invariably distinguished himself for gallantry and bravery than sir R. Wilson did. The restoration of his gallant friend to a service of which he had been so great an ornament, would be received by the whole army, as well as by the House, with the greatest possible satisfaction. He hoped that some gallant officers opposite, would bear their testimony to the military character of his hon. friend.

Sir *G. Murray* said, he could not refrain from bearing testimony to the military character and services of the gallant officer. No man possessed those qualities suited to the military service more than that gallant officer; and it would give him great pleasure to see him restored to the service. If his gallant friend would confine his talents and abilities within their proper channel, they would be rendered the more valuable to the service and to the country. At the same time, in giving this opinion, he must be understood to reserve to the Crown the full and entire possession of all its present authority over the officers of the army.

Mr. *Mansell* said, that whatever errors the gallant officer might have committed, he had been sufficiently punished for them, and he thought that they ought to be buried in oblivion. He was sure the House and the country would rejoice at seeing him restored to his rank.

Mr. *W. Lamb* said, he was one who had voted against the inquiry into the gallant officer's conduct; but he was as anxious as any hon. member could be to see him restored to his station in the army.

Mr. *Brougham* said, that only one opinion seemed to actuate all parties. He wished to add his testimony to the character given of his gallant friend, in regard to his conduct on a former very trying occasion. He was the professional adviser of the gallant officer, and he had the most positive knowledge, that the utmost exertion of human forbearance had been manifested by his gallant friend. He had seen documents which, perhaps, no one besides his gallant friend could have refrained from publishing, but not one word of them would his gallant friend divulge, notwithstanding the aggravating situation in which he was placed.

CUSTOMS CONSOLIDATION BILL.] The House having resolved itself into a committee, to consider further of the report of this bill,

Mr. *Huskisson* begged to remind the committee, that on the 25th of March last, he had submitted to their consideration a variety of resolutions, tending to effect very important changes in our system of Duties and Customs, and applying, not only to the manufactures of this country, but to manufactured articles imported from foreign states. He had, on that occasion, entered at great length into a statement of the grounds upon which it was proposed that these alterations should be introduced into our commercial policy; and they were formally recommended in the resolutions brought in. At the same time, in effecting such extensive alterations in a system of duties and customs that had existed through so long a succession of years, he had felt most desirous of availing himself of all the light and experience that could aid him in so arduous an undertaking; and he had accordingly invited the suggestions and observations of all practical and intelligent men, who might be willing to afford him the benefit of their counsel and information. He could assure the committee, that that invitation had been very generally accepted; for no person, he believed, who had filled his situation had ever become engaged in a more extensive correspondence than himself, or had received more numerous deputations, or had been a party at more conferences, than he had received and met at the Board of Trade since those alterations were first announced in parliament. The committee would not be surprised to hear this, because it must be evident that many individuals would be seriously affected, or would consider themselves to be so, by the operation of such changes. In mentioning these facts, he did not at all desire to disparage either the motives or the proceedings of those individuals. Having now, therefore, heard, as he might assume, all that could be said upon the subject of those alterations by all the parties interested in their operation, he now came to indicate to the committee how far he had subsequently modified those resolutions which he had introduced. The modifications which he had now to suggest were intended still further to extend and establish a more sound and salutary policy than had hitherto prevailed with respect to our foreign commerce, and in regard to the encouragement of our manufactures and the general trade of the country. In looking at the period of time which had been occupied in considering these changes and modifications, the committee would do him the justice to remember, that it was highly essential that important alterations in a system so vast and complex as that of our commercial revenue should not be inconsiderately or precipitately adopted. The numerous propositions that had been submitted to him in this respect by the many parties he had alluded to, he had received and reviewed with great distrust and jealousy. The alterations he had propounded to the committee in the beginning of the session were founded upon the best information he could obtain, and the most mature deliberation he could bestow upon it. At the same time, he had felt then, and since, that it became him to study other statements, and to get information from all quarters; but he might add (as we understood), in regard to some of the parties by whom it had been contributed, that there was in some instances, as between himself and them, an issue of statements as well as an issue of expediency. Now, in the most extensive branches of our foreign manufactures and commerce he had been able, upon the result of all the increased knowledge that he had arrived at in respect of them since he first proposed the alterations in question, to adhere to his original resolutions. In the great and staple article of cotton goods he did not now mean to propose any alteration from the terms upon which it was already left; namely, of reducing the old duty to an ad valorem one of 10 per cent. So of all duties upon woollens, he proposed to adhere to a duty of 15 per cent. In like manner, the duties upon all metallic substances would remain unaltered, excepting in the single article of lead; which was so essential in many branches of domestic improvement in this country, that he was prepared to propose the reduction of the duty still lower than he had put it. In the extensive article of earthenware, he proposed to retain the duties on the footing already recommended. But, in the duties upon some other branches of our manufactures, he had deemed it necessary to introduce some modifications. There were some branches of our linen-manufactures on which he had originally proposed an ad valorem duty of 25 per cent; but, upon which, after having since heard the evidence and representations of all the parties who had been examined before the Board of Trade upon the subject, he was disposed to think it might be expedient to adopt a different mode of levying the duty. Instead of levying an ad valorem duty, he thought it would be expedient to change it for another, considering that it was proper to avoid imposing a duty of the former kind where it could be avoided, and to substitute, in this case, such a one, as on the best comparison that could be made between prices abroad and prices at home, might seem adequate to the due protection of our own trade. Now, the gradual reduction of such a duty, in a certain period of time, to the amount of that ad valorem duty which he had formerly proposed, would either tend to admit the foreign manufactures in greater supply, or cause the British manufacturer, by imposing upon him a necessity for increased industry and attention to his business, so to reduce the price of his goods as to be enabled successfully to meet the foreign manufacturer. There were several circumstances connected with this particular manufacture that were necessary to be taken into consideration. In Ireland, it was conducted by manual labour alone, he might say, without the intervention of any machinery. In respect of linens, therefore, it might be described as a competition between labour and labour that must subsist between those which were made at home and those which were manufactured abroad. But again, with regard to Ireland, the interests of which every hon. gentleman must look to with peculiar anxiety and favour, it was to be observed, that a great change was effecting in her linen-manufacture; for machinery was now rapidly introducing itself into that branch of her trade, and a great proportion of capital was coming gradually into circulation in that country; and had the foreign manufacture been admitted at the lower duty which he had originally proposed, it was feared that many impediments might have opposed themselves to the progress of the improving commerce; the consequence of which would, probably, have been that, losing its present advantages, the Irish linen trade might never have been able to meet its foreign competitors; that this manufacture would not only not have arrived upon any favourable terms in other markets, but might have been lost to Ireland altogether. The committee would see the difficulty in which any person must stand who was in his situation. If, in the calculation of a certain revenue, a slight error happened to be committed in the original statement, and the produce was discovered to be proportionably affected, or altered, nothing in the world could be more easy than to correct such an error; and the public service would be sensible of little or no inconvenience from the occurrence of such mistake. But if, in the apportionment of duties, or the regulations of trade, wherein the interest of so many thousands were involved, such errors should happen to creep into the measures of the government, the country would long have to brood over the serious consequences that might ensue. It seemed to him, however that by the adoption of a scale of duties on linens, to be lowered in the course of eight years from their present amount to the point he had formerly fixed, the committee would not be discouraging the capital now engaged in that branch of our national industry, but would be enabling the home manufacture to rival, in a short period, the foreign, in the foreign market. There was another branch on which he had also found it expedient to alter his original determination; he alluded to glass, on which he had intended to propose a mere ad valorem duty. Glass, however, the committee would know, was exposed to a heavy duty of excise, and hon. members would also be aware, that the amount of duty was not in fact the amount of burthen; for parliament had been obliged to impose restrictions and regulations to prescribe even the mode of carrying on the manufacture, which formed another charge to be borne by the manufacturer. In order to arrive at a just conclusion, he had resorted to all the information he could procure from parties interested, and he had now to recommend, not an ad valorem duty, though a duty considerably less than that hitherto paid. Like the new duty on linen, it would go on gradually and annually decreasing, compelling a corresponding improvement in our own manufacture as the duty was lowered, and foreign competition more freely admitted. A similar alteration he should propose in the duty on paper. That manufacture was also subject to excise duties; and he would venture to say that the projected alteration would conduce very materially to the encouragement of the manufacture. There were some circumstances that operated materially on the manufacture and price of foreign paper; and the most important of these was, that in some cases the exportation to this country of the raw material was virtually prohibited. For example, the exportation of rags was entirely prohibited by the revenue laws of France and of the Netherlands. The consequence was, that its exportation being forbidden, the article was manufactured in those countries below that fair natural price which it would obtain in almost any other parts of the world. From the depreciation of the value of the raw material, they could manufacture paper more cheaply than almost any other countries; and from the restraints imposed on the exportation of that material, we manufactured it, perhaps, dearer than any other people. These considerations had induced them to propose a new scale of duty on paper. Another article to be noticed was the importation of books. He had left the bill as he found it in respect of what books might be imported into this country; they were such as there existed no copyright in here. No books could be imported that were of a contrary description; though individuals were not prevented from bringing them into this country, if they were not for any purposes of sale, but for their own private use. But he thought it would not be prejudicial to the bookselling interest in this country, if, instead of continuing the very heavy duty at present payable on imported books, which was 6*l.* 10*s.* per cwt., on books of all descriptions, he named a lower one; and he had therefore determined to reduce it to 1*l.* This duty operated, at present, upon those books, which formed the bulk of almost every library; and the reduction, therefore, might tend, in no inconsiderable degree, to advance the cause of literature, and extend the general diffusion of knowledge. With respect to modern books, upon which the present duty was 7*l.*, he had lowered it to 5*l.*, and he meant to extend the same scale to manuscripts imported. Not to weary the committee, he would pass over altogether a great variety of articles, which he had also made the subjects of similar alterations of duty. On flax and tow he proposed to effect a still further reduction. In like manner, he had proposed to lower the duties on barilla by a scale of gradual reduction; but finding, that when, about two years ago, some alteration was made in those duties, it was understood that no further change would be made in them for five years after that period, he should suggest that the proposed further reduction of those duties should take effect from the period at which those five years would have expired. Other duties that it was highly material to the public convenience to alter, were those on timber. After many years experiment, it had been found impossible to prevent the duties on timber from being evaded; but it had become absolutely necessary now to obviate what he would not call a fraud exactly, but what was a very commonly practised deception, owing to the state of the duty on planks. The timber duty upon every 50 cubic feet was 55*s.*; upon every 125 planks, the duty was 4*l.* Now, people had lately contrived to cut the planks of such a size and thickness, that one of them, though it could not be measured as solid timber, would afterwards yield many planks; a plank of this thickness, therefore, would only pay a duty of 16*s.* 8*d.* perhaps, which was to all intents and purposes, as to the duty, solid timber. A practice so evasive could not but be extremely prejudicial to the fair trader; and he should therefore propose such an alteration of the scale as would bring planks of these large dimensions within the description of solid timber. It was somewhat singular that the evasion had only been recently discovered, and in order to take advantage of it, shipping had been engaged to such an extent as to inconvenience other branches of commerce. He had been especially anxious to lower the duty on all raw materials, but particularly upon dying drugs. Besides changing his original determination on many articles, he had added several that he had omitted on the 25th of March. He had then stated his desire to promote cultivation among the smaller West-India proprietors, by encouraging the importation of all minor articles of produce, and his desire, it would be found, had occasioned several of the additions of which he had spoken. He was aware that, taken separately, none of these reductions seemed to amount to any very large sum, but although he apprehended the Exchequer would but slightly suffer, if indeed it suffered at all, yet taken collectively the sum was of importance. He was not far from the mark, when he stated it at from 400,000*l.* to 500,000*l.* per annum, and the whole he trusted would operate to the relief and benefit of the manufactures of these kingdoms. Among these was a reduction on the duty of ships built in the colonies, if broken up here. By a strange oversight of the law, such ships were subject to a duty of 50 per cent if broken up in this country. This enormously heavy duty was the cause that a very large and unwieldy ship, that had been built at Canada, and had arrived some time since in the port of London, was not broken up here, as was intended, but sent back. That duty he proposed to reduce to 15 per cent. He was aware that to some gentlemen these details possessed but little interest. They were, however, of the utmost importance as connected with the commerce of the country, and the improvement of its resources. At the present moment they were particularly important; for sure he was, that if that system of combination which now existed in the kingdom could not be repressed by the interposition of the legislature, it must be repressed by the additional facilities given to the introduction of foreign manufactures. It could not be tolerated that the people of this country should be exposed to the difficulties and inconveniences that must always follow on any restraints imposed on the freedom of labour. He, for one, should be fully prepared to say, that if the shipwrights of England, for example, would not act in such a manner as to leave the employment of capital free and unshackled in ship-building in England—if they would not leave the industrious artificers engaged in that branch of trade free to pursue their own occupation on their own terms—it could only remain to the merchants to employ foreign-built shipping. On the same principle, he was prepared to contend, that if our own seamen, listening to misguided men, refused to permit English mariners to engage in the merchant service, the only alternative for the latter would be, of necessity, to employ foreign seamen. After exhorting the artificers generally to renounce every thing like combination, which he showed would only, by fettering the employment of capital, terminate in their own ruin, the right hon. gentleman concluded by remarking upon the necessity of doing away, wherever it was practicable, with the present system of protecting duties. To prove its mischievous effect, he would only instance it in a single article of very general consumption—pepper. The duty on that article was about 500 per cent on the value—an enormous disproportion, that must effect either a diminished consumption or be an incentive to smuggling. The original cost of this article was about 5*d.* per lb. The whole consumption of the united kingdom was not more than 1,200,000lbs. a-year, which did not exceed a proportion of about an ounce and a quarter to every individual of our population. This duty he would reduce from 2*s.* 6*d.* per lb. to 1*s.* per lb. This arrangement, he should hope, would greatly encourage the consumption of an article of East India produce. At present he would only add, that the committee was not to be considered as coming to any final adjudication on all the reductions that it was proposed to effect in our present system of duties.

Sir *Henry Parnell* expressed himself willing to adopt the recommendation of the right hon. gentleman, to consider the proposed schedule of Customs-duties rather as a measure to form the foundation of a correct system of taxation upon foreign commodities, than as one that government intended to be complete and final. It was, however, particularly necessary that some notice should now be taken of the duties contained in the schedule, in order to prevent the public from conceiving that every thing was to be so settled, by this night's proceedings, as to do away with the necessity of further alterations; an opinion which might, and certainly would be, generally entertained by all those who had heard or read the speeches delivered on this subject, on former occasions, by the chancellor of the Exchequer and the right hon. gentleman, if the schedule were voted without any debate upon it; without taking some notice of the duties, and now making such objections to them as seemed fit to be made, we might hereafter be told, upon attempting, on a future occasion, to repeal the numerous protecting duties that will still remain; that we were acting unjustly, and contrary to a recent adjustment, on the faith of which new capital had been invested, and extensive commercial engagements undertaken.

It was also important to examine, in some detail, the schedule now under consideration, in order to ascertain how far the duties, proposed to be voted in it, were consistent with the principles of free trade, as laid down by the right hon. gentleman in his speech on the 25th of last March; for it might otherwise be supposed, by those who heard that speech, but who have not read this schedule, that when it should be voted, it would establish an universal freedom of trade; whereas, in point of fact, every one who looks into it must agree, that nothing can possibly be more at variance with those principles, than almost every duty is on each article in this very voluminous schedule. But, in thus describing the schedule, the hon. member begged to be understood, as being fully sensible of the difficulty of the situation of the right hon. gentleman, in having to contend with so many powerful bodies who believe their particular interests will be injured by the measures which are calculated to give effect to those general principles which have been avowed by the right hon. gentleman, and which are undoubtedly the principles that are most consistent with the interests of the community at large; for, although he thought the right hon. gentleman might have carried his resistance to these interested parties further than he has done, he felt, and the whole country ought to feel, greatly indebted to the right hon. gentleman for having so clearly and manfully stated and illustrated the principles of economical science which ought to govern all legislation upon our commerce and industry. These principles had never before been so explicitly and ably explained to the House; and, he might add, had not been more accurately and minutely promulgated and illustrated by any of those eminent and scientific founders of the science of political economy, who had written upon the subject of restrictions upon trade; and he had no doubt that, now they were so unequivocally adopted by government, they would soon be universally acknowledged, and allowed to govern all our legislative proceedings. It was under the strongest conviction of the wisdom of the advice which the right hon. gentleman had given to the House, that he now addressed it; and it was for the purpose of contributing, as far as he was able, to render that advice and those principles effective, that he proposed to enter upon an examination of the details of the schedule of the right hon. gentleman. The course he meant to take was, first to refer to and re-state the principles which the right hon. gentleman had laid down; and then to compare the duties which he called upon the House now to vote, with those principles: and if he should succeed in showing that the duties were, as he had before mentioned, at variance with those principles, he hoped the House would co-operate with him, when the proper opportunity should arrive, at some future period, in endeavouring to make another and a more general revision and reformation of them.

The right hon. gentleman at the conclusion of the speech, in which he opened to the House his plan for new modelling the Customs-duties, made use of the following language: "All I ask of the committee is, to take under their protection the comprehensive principle of the system which I have ventured to recommend.—The removal, as much and as fast as possible, of all unnecessary restrictions on trade."*— And, after referring to the old jealousies and alarms of wool-growers and woollen manufacturers in respect of the progress of the silk and cotton manufactures, the right hon. gentleman said, "Can any thing more forcibly illustrate the general position to which I have already adverted, and which cannot be too strongly impressed on those who legislate for the interests of commerce and industry, that the means which lead to increased consumption, and which are the foundation, as that consumption is the proof, of our prosperity; will be most effectually promoted by an unrestrained competition, not only between the capital and industry of different classes in the same country, but also by extending that competition, as much as possible, to other countries." Here we have the policy of open competition with foreigners, proposed, on the authority of the right hon. gentleman, in the most unqualified manner, as being founded on facts that prove its soundness; and as the true and only policy for this country to adopt. But the right hon. gentleman did not stop here, but went fully into details to expose the injurious consequences of the old system of prohibitory and protecting duties; and this he did in so clear and convincing a manner, that it is most important to enumerate the several evils which he maintained and proved inevitably to belong to them. 1st, He said, "By preventing competition, these duties destroy the best incentive to excellence, and the best stimulus to invention and improvement; they are, in fact, a premium to mediocrity." 2ndly, "They condemn the community to suffer, both in price and quality, all the evils of a monopoly." 3rdly, "They expose the consumer as well as the dealer to rapid and inconvenient fluctuations in price." 4thly, "They are a premium to the smuggler; they encourage all the moral evils of smuggling." And 5thly, "They excite suspicion and odium in foreign countries." No less than five distinct and substantive evils are here declared by the right hon. gentleman to be the necessary consequences of giving protection to our manufactures by imposing high duties on foreign manufactures; and surely no one, who gives to these statements a moment's consideration, can doubt the justness of the conclusions he has drawn, or hesitate to allow, that in every instance in which a protecting duty exists, each of these five evils must of necessity be inflicted upon the community. When, therefore, in future, the House is occupied in discussing the expediency of continuing or repealing any particular protecting duty, we ought, all of us, constantly to bear in our remembrance these five evils of the right hon. gentleman, and not suffer ourselves to be carried away by the arguments of those members, who, as a matter of course in the first instance, follow the fashion of the day of acknowledging the value of general principles, but who are regularly prepared and quite impatient to assert in the strongest terms the necessity of making the particular branch of trade of which they are the advocates, an exception to the general rule. When, however, any hon. member shall hereafter stand up in his place for the purpose of resisting the repeal of a protecting duty, he will have to shew, either that the right hon. gentleman is in error in his opinion as to the effects of such a duty, or, that the repealing of the duty will be attended with some greater evil to the community than the five evils which are stated by him to be the natural consequences of it. One of these things in every such case the House will expect of him to be able to do, or to abandon his claim to the continuing of the duty. The hon. baronet proceeded to say, that as his object in addressing the House was, to shew the necessity of reducing the duties on foreign manufactures very considerably, which was now called upon to vote; he would begin by making some observations to show how untenable the arguments were of those persons who still urged the expediency of preventing foreign goods from coming into competition with our own. The common-place argument that is used is, that this or that branch of manufacture will be ruined if foreign goods are allowed to come into competition with it; and then a ready inference is drawn, that a protecting duty is absolutely necessary for the purpose of upholding the profits of our capitalists, and securing a demand for the employment of our people. But the object of this argument is, to shut out from our use foreign cheap goods, and keep up the price of our own; or, in other words, to secure to the British manufacturer what is technically called a remunerative price. But this remunerative price being a higher price than the goods would bring if there was no protecting duty, it obliges every member of the community to pay a higher price for the commodities he wants, than he ought to do, in order to benefit that small portion of the people who are engaged in making those particular goods which could not be made without a protecting duty. Under the plea, therefore, of upholding the public interests by imposing a protecting duty on a manufacture, the interests of the whole community are sacrificed to secure those of the infinitely lesser number of persons who carry on the manufacture; and every case of a remunerative price by a protecting duty, when the fallacy on which it is claimed is removed, will appear to be nothing less than a tax levied on the public at large for the benefit of some small portion of it; or, in other words, the sacrificing of the interests of the public at large to serve those of a small part of the public. In this way it is, that the general system of protecting duties which now exists, for the purpose of securing remunerative prices for nearly all our trades, forms a mass of very severe taxation; but having this peculiar character, that while it takes immense sums out of the pockets of the people, it contributes nothing to the Exchequer. It is by these means that the protecting duty on Canada timber imposes on the public a tax of about 400,000*l.* a-year, by restricting the use of Baltic timber; and that the protecting duty on West-India sugar, supposing that it adds only one penny per pound to the price of sugar, on the quantity consumed in Great Britain, makes the public pay for the sugar it uses in each year, somewhat about 1,700,000*l.* more than it would pay, if the East-India sugar trade were placed on equal terms with the West-India trade. It is only because these taxes operate indirectly and invisibly, and because these subjects have not, as yet, been sufficiently canvassed to be thoroughly understood, that the public so quietly submits to such a vicious and destructive system; as, however, there is, at last, more knowledge spreading rapidly concerning these things; and as the House is more disposed than formerly to listen to these dry and somewhat abstract reasonings, which alone can dispel the specious fallacies that produce erroneous impressions, perseverance only was now wanting on the part of ministers and those members who wished to effect a change, to make sure of speedily destroying the whole of our prohibiting and protecting legislation.

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* See vol. xii, p. 1222.

Nothing, it must be admitted, can be more natural than the opinions which are, in the first instance, so commonly formed of the policy of a duty to protect a trade that may be interfered with by foreign competition. After, for example, the workers of copper mines have succeeded in obtaining very high duties on foreign copper, and have embarked large capitals in working poor mines, it is quite consistent, and most natural for them, to resist the repeal of those duties. But when they rest their case on public grounds, then they must fail in being able to sustain it. They may assert, very loudly and confidently, that their capital will be lost, and that they must dismiss their workmen; but to this it may be replied, that their being obliged to discontinue working poor mines will not be followed by the loss of their capital, if two or three years notice is given to them before the duty is repealed, so as to enable them gradually to withdraw it; and that the demand for the employment of the labouring class will not be diminished, because there will exist in the country the same amount of capital as before, to give employment to them; for, though this capital may cease to be invested in working mines, it will not, when withdrawn from them, be idle, but it will either be re-invested by the owners of it in some new trade, or be lent out by them, so as, in the end, to be invested by others in some branch of industry or other. Some loss of capital will undoubtedly take place, but that will be limited to the loss belonging to the operation of transferring it from working mines; and in the deteriorated value of machinery and other fixed capital. But, after all, the question whether the workers of copper mines should be made to suffer any change and any loss, must be determined upon the broad principle of public utility; and, when correctly stated, then the question will be, whether the public at large (including, of course, those concerned in our great copper and brass manufactures) shall pay 6*d.* per lb. more for copper than it would be sold for if no protecting duty existed, and, if foreign copper could be freely imported, for the sole purpose of enabling a certain number of persons to go on working poor mines in Cornwall. When the mischievous effect of such an additional price is considered on all our manufactures in which copper is used, in respect to their being able to compete with foreign manufactures of the same kind, and in taxing to this amount all consumers of copper goods, the injustice and the public injury that is the result of giving this legislative encouragement to those persons who are engaged in working copper mines, are so palpable, that it is quite manifest that it ought to be withdrawn with the least possible delay. The workers of the mines should be plainly and openly told, "we allow you will be put to great inconvenience, and to some loss; we are aware that your workmen will be exposed to difficulties in looking for new employment; but all this inconvenience, loss, and difficulty, must be encountered for the good of the public, because the continuing of the encouragement which you have by high duties, inflicts upon the community at large inconvenience and losses of a far more general character and of a much greater extent than any that you can suffer. Sufficient time shall be allowed to you to make your arrangements for gradually abandoning those mines which will no longer yield a profit without the aid of a remunerative price by act of parliament; but beyond this you must expect from parliament no further indulgence." And so with respect to many other trades that are now upheld by a protecting duty. The parties concerned should be all treated in the same manner, and made to give way to the commanding principle of public utility. But then, no doubt, it will be strongly insisted upon by the persons engaged in all these trades, that they will all be ruined; and, with them, the whole trade of the country; and that nothing but general bankruptcy will prevail. There could be, however, no grounds for anticipating or apprehending any such consequences; for a slight degree of reflection will show that the importation of foreign goods cannot be followed by any diminution in the general amount of our own manufactures. The very circumstance of importing foreign goods must, of itself, secure as great an extent, on the whole, of domestic manufactures, after such goods are admitted, as existed while they were excluded. The erroneous opinions that are formed respecting the supposed injurious effects of importing foreign goods, arise from omitting to bear in mind this elementary principle, that, if we buy we must also sell, in order to provide the means of paying for what we buy; and that, if we import foreign goods, we must export domestic goods to pay for them: just, therefore, in proportion as we import more foreign goods, when the duties shall be taken off, than we did before, we shall create, by the importation, a new demand for domestic manufactures, to be exported to pay for them. In place, therefore, of the general repeal of protecting duties, and an extensive importation of foreign goods destroying all our manufactures, it will, in point of fact, establish a new demand for them; and, though it may be very possible that some particular kinds of some branches of manufacture may be obliged to yield to foreign competition, others, and probably to a much larger amount, will be greatly increased by the effects of foreign importation. The precise effect, in reality, of taking off the protecting duties in respect of our domestic manufactures will be, to transfer capital and the employment of workmen from some occupations in which they are now engaged into others more adapted to the circumstances of the country: and this will lead to a distribution of capital that will, in every way, be much more for the public good; for nothing can be more detrimental to the prosperity of the country than forcing capital, by the fictitious encouragement that these duties hold out, from those channels in which it would naturally be employed, into others that are wholly dependant for profit on the continuance of that encouragement, and not on the peculiar circumstances by which, in this country, decided advantages may be secured over foreign nations. The removal of the protecting duties, by lowering prices on a great variety of goods, would be attended with the further good effect of leaving more money in the pockets of the people at large to purchase additional quantities of commodities; and as, no doubt, a considerable portion of it would be spent in domestic manufactures, in this way, the allowing of foreign manufactures to be imported would add to the demand for our own. Another good effect of repealing these duties will be that of multiplying the operations of our foreign commerce by the increase of the importation of foreign goods, and a corresponding additional exportation of domestic manufactures; an object of great importance, as it will greatly add to the employment of the people, the profits of our merchants, and the demand for our shipping and seamen. So that upon the whole, while, in the first place, the repeal of each protecting duty will relieve the country from the five evils which the right hon. gentleman has so truly stated to be the consequences of every such duty, it will, at the same time, extend the demand for our staple manufactures, and add considerably to our foreign commerce.

The hon. member then said, that he had felt it necessary to refer to the speech of the right hon. gentleman, and to the principles connected with the system of protecting duties, in the way he had now done, in order to lay the grounds for objecting in detail to the several duties that were contained in the schedule. He had, in common with many others, been very much disappointed when he first looked into this schedule; for, after the speeches that had been made this session by the chancellor of the Exchequer and the right hon. gentleman, he expected to have found in it a decided and substantial alteration of the old commercial system; whereas, in point of fact, the alteration that was proposed was little more than one of mere form. The old system of absolute prohibition of foreign goods was certainly done away, but, in place of it, there were substituted duties of so high a rate, that they will be, in every respect, prohibitory duties; and equally effectual in excluding foreign goods as the old plan of absolute prohibition. If, therefore, the schedule be now voted in its present form, it will be absolutely necessary to bring it again under the consideration of the House, in order to alter almost every duty on every article of manufacture that is mentioned in it. After the example of the right hon. gentleman, he would begin his remarks on the schedule of duties, by first bringing under consideration the cotton manufacture. The duty proposed to be laid on foreign cotton goods was 10*l.* per cent. This was, in every respect, a rate consistent with the soundest principles; because it would not be in any degree, a protecting duty; but one fit to be imposed for the purpose of obtaining revenue on a trade that could very well bear it: but it was right to add that, in the whole schedule, this duty was almost the only one that fully bore this character.

It was to be observed, that, as there was a duty of 6*l.* per cent on foreign cotton wool, it was right that some duty on foreign goods should be imposed to countervail this duty on the raw material. When we see that our manufacturers of cottons have not made any complaint against this moderate duty of 10*l.* per cent, it was well worth while to inquire why there existed so general a consent to it; for such an inquiry would serve to remove difficulties that stood in the way of our being able to judge correctly concerning the rates of duty that are fit to be imposed on other foreign manufactures. The first thing that is to be remarked is, that the wages paid to workmen in the cotton manufacture are higher than the wages paid in France and other European countries: then, the duty of 6*l.* per cent on the raw material deserves notice; yet, notwithstanding these seemingly unfavourable circumstances, we are superior to all foreign manufacturers, and able to defy their competition. The fact is, that the cost of the production of cotton goods in this country is so reduced by the use of machinery, and by the skill, economy, and established habits of all persons engaged in the manufacture, that the total cost of production of these goods in Great Britain is less than it is in foreign countries, and, consequently, we are able to sell them cheaper, and thus to secure a foreign market for them. The case, therefore, of the cotton manufacture, affords a practical illustration of what it is, on which the case of any other manufacturer must rest, in respect of its being able to go into competition with a foreign manufacturer of the same kind; and shows, that the whole question in any such case that requires to be examined into is, the cost of production of the manufacture here and in the foreign country. In this way we learn how to obtain a fit standard for reference whenever any claim is advanced for protecting this or that manufacture by a duty from foreign competition. This case of the cotton manufacture also affords a practical illustration of a very important matter in all these questions of protecting our own manufactures; namely, that the common opinion is altogether incorrect, that low wages give a country great advantages in carrying on manufactures, over a country in which wages are high. This fact, of low wages conferring no advantages, which is thus practically proved, is ably explained by the late Mr. Ricardo, in his work on political economy —a work that cannot be too carefully studied by all those who may still be disposed to deny the doctrine that he has attempted to prove; namely, that high or low wages do not affect the prices of goods, but only serve to diminish or increase the average rate of profit on capital. The great advantage of dwelling on this part of the subject, and of coming to a clear understanding of the nature and effect of wages consists in this, that, whenever we are occupied in endeavouring to ascertain whether any of our manufactures can compete with a foreign manufacture of the same kind, we may leave out the case of wages, and take into our consideration only, first, the quantity of manual labour the particular manufacture may require; and, secondly, the cost of materials: and, in this way, we are able to come to this conclusion, that, in all cases where we employ machinery, and have the raw material as cheap as foreign nations have it, we have no grounds for apprehending any injury from the most open competition. This conclusion explains why, in respect to woollen goods, the duty proposed in the schedule of 15*l.* per cent is too high, if 10*l.* per cent be the right duty to be imposed on cotton goods. Because, in the woollen manufacture, we use, in all the operations of it, perfect machinery; and, in respect to the raw material, consisting of coarse wool, we have a decided superiority over every foreign nation; while, in respect to fine wool, we can obtain it on nearly as good terms as foreigners can buy it; and also because there is only a nominal duty on foreign wool, while on foreign cotton wool there is a duty of 6*l.* per cent. Why the right hon. gentleman has selected the precise sum of 15*l.* per cent, no explanation has been given. There are no grounds of judging from any thing that he has said on the subject why the duty should be 15*l.* in preference to 10*l.* or 20*l.* per cent. If, on the one hand, 15*l.* per cent is proposed as a protecting duty, then it is most objectionable; because the woollen manufacture is clearly so circumstanced as to the use of machinery, and the cost of materials, as not to stand in need of any protecting duty to sustain it when exposed to competition in the manufacture of foreign nations: If, on the other hand, 15*l.* per cent be proposed for the sake only of raising revenue, then it is too high a duty; for with the charges for freight, commission and insurance, which amount to from 12 to 15 per cent, it will be in a great degree a prohibitory duty. It was very desirable that the right hon. gentleman should explain the exact grounds on which he has chosen this duty of 15*l.* per cent: for we ought not to adopt any duty at random and by guess; but we should see clearly some reason and principle by which we may be directed in acting for the best, on all these occasions, for the public interest. If the question, of this duty of 15*l.* per cent, was now under discussion, with due notice to the parties interested, that a lower duty than 15*l.* per cent would be proposed as an amendment of the schedule, such an amendment ought to be moved, and a lower duty ought to be substituted; but as we may presume that neither the woollen manufacturers nor any other manufacturers who are concerned in the duties contained in this schedule, expect that any material alteration will be made in them, the better and fairer way will be, to reserve such amendments as ought to be made in it for distinct motions, to be brought forward and fully discussed in the next session of parliament.

In respect to the duties to be imposed, by the schedule, on foreign linens, there seemed to be some reason for continuing high duties for some short period. As but little machinery was now applied to this manufacture, and as the raw material of flax was cheaper abroad than in the united kingdom, this manufacture was much more exposed to be affected by open competition, than any other that we carry on. These circumstances, however, are not, and never can be, a justification for continuing, permanently, a protecting duty in favour of this manufacture; but as attempts are now making to apply machinery generally, in the various operations of it, and as it is possible to make great improvements in Ireland in preparing and dressing of flax, it is reasonable to afford some time to our own manufacturers to be able to meet a fair competition with the foreign manufacturers. What the exact amount of the proposed duties in the schedule is, in comparison with the value of the different kinds of linens, it is not easy to make out, because the duties are to be charged by the piece or yard; but it is clear that they exceed 25*l.* per cent, because they have been considerably raised since the right hon. gentleman, on the 25th of March, mentioned it to be his intention to reduce all the old duties to one common rate of 25*l.* per cent; in consequence of the urgent solicitations of certain Scotch and

English linen manufacturers. But, although there appeared to be some reason for agreeing to continue higher duties than 25*l.* per cent for a certain limited time, there could be no good grounds for adopting the table of duties which the hon. member for Abingdon had contrived to get into the schedule. By this table, the duties on linen are to be annually reduced, during eight years, until they amount to about 25*l.* per cent. An eighth part of a certain sum per yard, on each kind of linen, is to be taken off in each year of those eight years, and perhaps a more curious table of nice calculation of the powers of protecting duties, just to do what is required of them, has never been submitted to the legislature, by the most inveterate economist of the old school. On plain linens, not containing more than 20 threads to the inch of warp, the duty, from the 5th of January 1826 to the 5th of January 1827, is to be 3*d.* the square yard. And one-eighth part of three farthings (part of the duty of 3*d.*) is to cease on the 6th of January 1827, and the like one-eighth part of three farthings on every 6th of January for seven succeeding years. In the same way, according as the linens contain more threads than 20 to an inch of warp, up to 100 threads to an inch of warp, the duty in the first instance, is to be from 3*d.* a yard to 2*s.*; and a reduction of eight parts is to take place in each of the succeeding eight years, from the 6th of January 1826 on one penny a-year, three half pence a-year, and so on, to 4*d.* a-year, when the duty is at first 2*s.* a yard—How any person could suppose that the importation of foreign linen could depend upon whether the duty was one-eighth part of three farthings a year more or less, above a fixed permanent duty of 25*l.* per cent, it is not easy to imagine: nor can it be easily comprehended in what manner the Custom-house officers will be able to apply those small fractional reductions of eight parts of such small sums to each square yard of linen; if any linen should be imported. It is to be hoped that the appearance of this table of duties in the schedule is to be accounted for by a wish, on the part of the right hon. gentleman, to get rid of the importunities of the linen manufacturers, for the moment, in any way he could; and that after it has met with the ridicule it deserves, he will take an early opportunity of again bringing the subject before the House, and placing it on a more rational footing.—The proposed plan of taking eight years to reduce the duties on linens to 25*l.* per cent, and then to make that rate a permanent duty, could not be sustained upon any principle; for 25*l.* per cent, with charges for freight, commission, and insurance, would, in reality, be a prohibitory duty. In respect to the fine descriptions of linen; namely, cambrics, lawns, and damasks, if foreigners can make them better and cheaper than we can make them, the protecting duty should only be continued for one or two years at most, in order to afford time to the manufacturers who are now engaged in making these goods to withdraw their capital: for we ought to make up our minds to lose this manufacture, and to allow foreign nations to take possession of it, as one more adapted to their circumstances than to our own. Upon a fair examination of the case, it will be manifest to every one that nothing can be more unreasonable or unjust than to make the people of these countries pay from twenty to thirty per cent more for cambrics, lawns, and damasks, than they ought to pay for them, merely for the sake of propping up this manufacture, and giving to a limited number of manufacturers a remunerative price. As to the other kinds of linen, it is, no doubt, true that our manufacturers are more exposed to the influence of foreign competition than the manufacturers are of cotton, woollen, and other goods. But nothing would contribute so much to bring about a different state of things as the legislature, at once having it generally understood, that after a few years, for instance four or five, all protecting duties should be repealed. This would lead to proper efforts being made, immediately, to introduce machinery, and to stimulate those persons in Ireland who grow and dress flax to drop their old bad habits, and adopt the improvements that have been long established in Holland and other countries. And, if after having had due notice of the intention of the legislature not to continue to exclude foreign linens, they could be imported so as to be sold cheaper than our own linens, then nothing should induce the legislature to abandon its intention; but the linen manufacture ought to be given up, and left with the continent. As the capital now embarked in it would remain unimpaired, it would be ready to carry on some other manufacture, and to give as much employment to the people as it now gave; and therefore, in the end, the loss of this manufacture would not be attended with any serious disadvantages. A great error has been made, in regard to this manufacture, by laying duties on the raw materials of it. Nothing can be more inconsistent and absurd than that course of legislation, which, on the one hand, seeks to encourage this manufacture by prohibitory duties, and on the other overloads it with heavy taxation. This manufacture, being one particularly exposed to foreign competition, every thing like a charge upon the cost of the production of it should be removed. The whole duty on ashes should be taken off; also the duties on barilla, brimstone, coals, dressed and undressed hemp. There is, still, another regulation that very much affects the prosperity of this manufacture, and that is the prohibiting of the use of cheap foreign corn; for the effect of this being to enhance the price of our own corn, it also enhances the prices of all kinds of raw produce, and amongst other things flax is necessarily dearer than it would otherwise be, and comes into use with a charge greater than it would have upon it if no Corn laws existed: for this reason, all those persons who wish to see the linen manufacture of Ireland continue to prosper, ought to come forward and promote a revision of the Corn laws. The hon. baronet remarked that the schedule contained such a number of articles, that it was impossible to go regularly through the whole of them, but by selecting those which were of the greatest importance, and which were subject to the highest duties, something like an accurate character might be given of it. It is proposed, he said, to impose duties of 50*l.* per cent, and even in some cases higher duties, on the following articles:—almond paste, beads, walking canes, empty casks, crystal, pomatum, skates, tobacco-pipes, tooth-powder, sealing wax, turnery, stave ends, and on a great many similar articles. On reading this list, one is led to imagine, that, whoever first suggested the imposing such high duties on such trifling articles, could have had no other object in view but to vex and torment the public; for certainly no principle of any kind can exist to justify these duties. They are not protecting duties, because they do not apply to what can be correctly termed our established manufactures: and they are not imposed for the sake of revenue, because they are too high to admit of any importation; it will, therefore, be highly improper for the House to vote these duties.—Duties of 30*l.* per cent are to be imposed on the following articles: silk manufactures, leather manufactures, lace, brass manufactures, copper manufactures, china, and on several other articles.—In respect to the silk, brass, and copper manufactures, the cost of production of them in these countries may be so much less than it is abroad, in consequence of our machinery, and our having the means of having the raw materials full as cheap, that there exists no reason whatever to justify this high duty of 30 per cent. This will be, in point of fact with other charges, a positive prohibiting duty. In the leather manufacture we have not the same advantages over foreigners, either in respect to machinery or raw materials: but in place of imposing this protecting duty of 30 per cent, the right way of encouraging this manufacture is, to repeal all taxation affecting it; not only the duties on foreign hides and bark, but the whole of our excise duty upon it. With respect to the lace manufacture, there will be this great inconsistency in our legislation, after voting this schedule, that at the same time that we are to protect it with a duty of 30 per cent, a very heavy duty is to be imposed upon foreign thread, which is finer and cheaper than any we are able to make, and absolutely necessary in order to make lace equally good with foreign lace. As to the China manufacture, this so much depends for its success on the taste and skill of the manufacturers, that of all manufactures it is precisely that which ought to be open to competition, in order to stimulate exertion and secure the application to it of study and science. Duties of 20 per cent are to be imposed on hardware, glass and steel manufactures; a rate of duty that is not at all to be justified by the circumstances under which these manufactures exist here and in foreign countries. In the manufactures of hardware and steel, we have all the advantages of machinery, materials, and coals, in a much greater degree than any foreign country; and as to the glass manufacture, though we might lose some of the finer kinds of fabric, we could not be outdone in the great business we now carry on, of supplying ourselves with, and very largely exporting the coarser sorts. A duty of 15 per cent is to be laid on earthenware; but surely if there exists any manufacture which has, beyond all question, nothing to fear from foreign competition, it is this manufacture. The duty, in point of fact, is wholly useless, because there is no foreign earthenware made in such quantities as to be able to come into competition with ours. But it is more than useless, it is exceedingly mischievous, in as much as it encourages foreign countries to impose a similar duty of 15 per cent, upon the importation of it into those countries. When, therefore, the duties contained in this schedule are minutely examined, it will appear that they are by no means, such duties as the principles laid down by the right hon. gentleman, in his speech of the 25th of March, have led the House to expect; for, with the solitary exception of the duty of 10 per cent on cottons, there is not a duty on any article that will not be practically, when coupled with charges for freight, commission, and insurance, a prohibitory duty. That the right hon. gentleman would have made this schedule more consistent with his own principles, if he had been left at liberty to do so, no one will be disposed to entertain a doubt; but when it is so manifest that he has been driven off the course which he avows to be the right one, by the influence of persons whose interests are at variance with the interests of the public, the House ought to interfere to support the right hon. gentleman, and secure such an alteration of the duties as a sound system of legislation urgently requires. There is one consequence of the system of protecting duties that has been wholly overlooked by the right hon. gentleman and the chancellor of the Exchequer, and that is, the great loss the revenue sustains, by the exclusion of the importation of foreign goods. It is evident, that very high duties will prevent all importation, and, therefore, the payment of any revenue; but if the principle of protection was totally abandoned, and duties on foreign goods were so adjusted, that they should be exactly at that rate which would not check the consumption of them, then a revenue of from one to two millions a year at least, might be raised by them. If the finest kinds of foreign silks, woollens, linens, and other articles in which foreigners excel, could be imported at a duty of about 10 per cent, great quantities of them would probably be imported, and a large revenue would be received in a way less oppressive to the public, than any part of our present revenue is produced. That there is nothing fanciful in the calculation of raising such a revenue by taking this course, is proved by the large sums we now receive by importing some articles of foreign produce. Butter yielded a revenue, in 1824, of 160,000*l.*; foreign corn, 175,000*l.*; and cheese, 87,000*l.*: so, in the same way, beyond all doubt, many other foreign articles would yield a very large revenue if they could be imported on a moderate duty. The parts of the schedule that are really deserving of great approbation, are those which relate to the reduction of duties on the raw materials of manufactures; in this respect the right hon. gentleman has conferred a very great benefit on the public; and when he states that the loss of revenue that will be the result of this reduction of duties is estimated at 400,000*l.* a-year, every praise should be given to him and the chancellor of the Exchequer for making use of their means of taking off taxes, to do away those that press on industry and trade. Still, however, it is to be remarked, that, in selecting the taxes to be repealed, both now and on former occasions, which fall on the raw materials of manufactures, ministers have not been governed altogether by a proper principle: for they have omitted to examine beforehand, on the principle of cost of production, which of our manufactures were most exposed to foreign competition; and, in consequence of this omission, they have made reductions of duties on the materials of those manufactures that were best able to bear competition, while they have continued them on the raw materials of those which are the least able to bear it. Thus, for instance, they have taken off the duty on foreign wool, whilst our woollen manufactures have the benefit of machinery, and continued the duties on the materials of the linen and leather manufactures, and of ship-building; that is, of trades in which but little machinery can be used. Whereas, if they had been governed by a proper principle, they would have taken off all the duties that affect the latter trades before they reduced any part of the duty on wool. The duties that are contained in the schedule, on articles of luxury, it is to be observed, are, in almost all instances, much too high to secure the greatest possible consumption, and consequently the greatest revenue. In respect to the great articles of tea, sugar, and tobacco, this was so obviously the case as not to require any detailed arguments to prove it. The proposed high duties on many of the lesser luxuries are also particularly objectionable, because they affect a class of persons that the legislature ought to take under its special protection; namely, the industrious middle class of society. There was not, however, any foreign article of luxury in common use that was not to be, as heretofore, very highly taxed. On currants, the duty was to be 2*l.* 2*s.* 4*d.* per cwt., or about 5*d.* per pound, which was about 100*l.* per cent on the value of currants. The duty on raisins were to be from 1*l.* to 2*l.* 2*s.* 4*d.* per cwt. On apples, 4*s.* per bushel. On eggs, 1*d.* each. On oranges, 100*l.* per cent. On grapes, 50*l.* per cent. High duties were also to be imposed on pickles, cucumbers, peas, figs, onions, plumbs, sausages, and many other similar articles. Now, if all these duties were carefully and skilfully revised and adjusted, so as to be exactly at such rates as would restrain consumption in but a moderate degree, then the public feelings and interests would be served and gratified, and a large additional revenue would unquestionably be obtained. There was another class of high duties in the schedule, that was particularly inexpedient and injurious; namely, the duties on articles of food; such as bacon, butter, cheese, potatoes, and rice. What, between these duties; the prohibition contained in the Customs Regulation bill of the importation of all kinds of cattle; and the Corn laws, every article of human food produced abroad was excluded from our use. But it really was time to reconsider the policy of this old system, of sacrificing every one who was not a landlord to the interests of landlords. On all former occasions, up to a very late period, when we have been legislating upon the question of protecting the landed interest, we have, all of us, unavoidably, been ignorant of those principles by which our conduct ought to be governed, for those principles were not, at that time, known and settled. But, as we now have the benefit of recent and great discoveries in economical science, and can see the mischievous consequences of raising the price of food by excluding foreign supplies, in raising the rates of wages, and the effect of raising wages in diminishing profits on capital; and the very injurious effects of diminishing profits on the power of the country to accumulate new capital and wealth, and to extend industry and productions, we should lose no time in retracing our steps, and getting rid of every thing like a protecting duty for the special benefit of the landed interest. If, connected with such a course of proceeding, moderate fixed duties were imposed on foreign articles of food, that would not interfere with the useful importation of them, they would yield a very considerable revenue. The hon. baronet said, he would conclude his observations on the schedule, by again giving to the right hon. gentleman the highest praise for the excellent principles he had submitted to the House, when he introduced this measure of a revision of the Customs-duties; at the same time he begged again to assert, that the schedule of the right hon. gentleman was wholly at variance with these principles. He hoped that he had succeeded in making out a case to show that, in every instance in which a protecting duty shall be repealed, nothing but advantage to the public would be the consequence; while between what had been advanced by the right hon. gentleman, and by himself, it was quite clear how numerous the evils are which are the unavoidable effects of every existing protecting duty. The great evil of smuggling arose wholly out of the system of protecting duties. The bill now before the House for preventing smuggling would be altogether uncalled for, was it not for this system; and when we see in this bill, a bill that is justified on the grounds of necessity, a clause as repugnant to every principle of civil liberty (the clause respecting lurking), as the Irish Insurrection act, no stronger argument can be made use of to demonstrate the expediency of abandoning the old restrictive commercial system. He hoped the right hon. gentleman would bring the whole subject again before the House, early in the next session of parliament, and steadily persevere in giving effect to his own "comprehensive principle, of removing, as much and as fast as possible, all unnecessary restrictions upon trade."

Mr. *Maberly* was of opinion, that the hon. baronet had not treated the plan of the right hon. gentleman fairly. He had argued it on principle, instead of looking to the expediency which must be connected with the proposed alterations. If the hon. baronet had attended to the opening speech of the right hon. gentleman, he would have seen clearly what his object was. He had come forward to relieve the commerce of the country, and he divided the subject into two parts. In the first place, his proposition respected the colonial interest: and his second proposition had reference to the expediency of revising the scale of duties on manufactures, &c., and of relaxing those prohibitory, or, as they were called, protecting duties. Of course, the right hon. gentleman could not immediately say what amount of relaxation should ultimately be extended to each manufacture. That would take up more than one, two, or three years. The right hon. gentleman had submitted his plan in March last; and now, having, in the mean time, given the question every consideration in his power, he stated to the House what he conceived to be at present a fair relaxation. The hon. baronet approved generally of what had been done, but he had an exception. When he came to Irish linen, he supported the protecting duty of 25 per cent, while cotton was protected in a trifling degree. It was entirely a question of expediency as to the time when, and the extent to which, those different duties should be reduced. The hon. baronet had observed, that no reduction had been made beyond 30 per cent; whereas, he would find that duties, amounting to 120, and even 180 per cent, had been greatly reduced. The right hon. gentleman had deviated from his original plan in two or three instances. Linen was one of them; but he had here only deviated with respect to time. In glass, paper, and barilla, some alteration had been made. But, was it possible that the right hon. gentleman could go through the whole trade of this great commercial country, and decide at once what should be done? When the whole interest of the country was at stake, ought he not to act with caution? And yet, after all, he had deviated in a very trifling degree. No man could have had more to struggle with than the right hon. gentleman in the course of this proceeding, and no man could be more entitled to the thanks of the country for the manner in which he had met the interests of different parties, or for the soundness of the views he had promulgated. The hon. gentleman concluded by pronouncing an eulogium on the Board of Trade. The right hon. gentleman who presided over that important department, and whose labours were gratuitous, ought, he conceived, to be liberally rewarded for the performance of his duties in that office, and not, as at present, derive his salary from another and a subordinate situation, where his duty was scarcely more than those of a paymaster. He trusted the chancellor of the Exchequer would take the case of his hon. colleague into serious consideration.

Mr. *T. Wilson* expressed his approbation of the modifications which had been introduced. He had not, perhaps, adopted the ideas of free trade quite so rapidly as some other gentlemen; but he felt confident that, by surrendering some apparent advantages, we should ultimately derive solid benefit from the course of policy which the government was pursuing.

Mr. *Bright* suggested that it would be advantageous to the West Indies if facilities were afforded to the introduction of the productions of the warmer climates. He instanced almonds, grapes, and currants, which he had no doubt would thrive in the West Indies; and thus a valuable branch of commerce, at present confined to the countries bordering the Mediterranean, might be transferred to our own colonies. He thought, also, that the matting of the West Indies, instead of being charged at 20 per cent, should be much reduced.

Mr. *C. Ellison* recommended a reduction of the export duty on coals.

The *Chancellor of the Exchequer* said, the reason why he had not reduced the export duty on coals would apply equally to a number of other articles; namely, the imprudence of attempting to deal with every thing at once. He had, however, introduced a very material alteration. By the present law, all coals carried coastwise were chargeable with a duty of 6*s.*; he proposed, in the schedule, to reduce this duty to 1*s.* on coals of a particular dimension. There was a great quantity of coals of a small size, which could not pay this heavy duty, and which was consequently consumed at the pit's mouth. It had been urged that if these coals were brought into consumption they would be found extremely useful, partly in manufactures, and partly for the consumption of the poorer classes. He had had a great deal of conversation on this subject with a number of persons, and among others, professor Buckland, who recommended the alteration now introduced. He flattered himself with the hope of carrying the principle still further; but he was afraid of having too many irons in the fire, lest he should not be able to get some of them out. If parliament should hold its hand for the present, he was sure they would do ten thousand times more good than by following the precipitate course which some hon. gentlemen recommended. He trusted that the day would soon arrive, when no article in the schedule would stand at too high a duty for the commercial interests of the country.

After some further conversation, the resolutions were agreed to.

HOUSE OF COMMONS.

Monday, June 20.

Shooting and Stabbing (Scotland) Bill.] On the order of the day for the third reading,

Mr. *J. P. Grant* said, he had no objection to the extension of lord Ellenborough's act to Scotland; but the bill now went a great deal further, and created, in the last clause, quite a new law. It was there enacted, that if any person threw vitriolic acid on the person of another, for the purpose of doing him any bodily harm, that act should be deemed a capital offence. This provision was introduced in consequence of certain proceedings that had recently taken place in Glasgow. Vitriolic acid, it appeared, had been thrown on the clothes, and sometimes on the persons, of individuals who refused to join the workmen in their unlawful proceedings. It was fit that this practice should be put down; but the way to put it down was not by enacting a penalty at which the public mind revolted. There was, too, a strange anomaly in this bill. By lord Ellenborough's act it was provided, that if A fired a pistol with intent to kill or maim B, and that, in doing so, he missed his object, and killed or maimed C, he should be subjected to the penalty of death, just as if he had succeeded in his original intention. But here, if A threw vitriolic acid at B, and deprived C of sight, he was not liable to the penalty, since it was only the absolute act, and not the intent, that was punished; and he believed that there would not be found in the legislation of this or of any other country a measure which did not visit the intent with punishment, except where it succeeded. He should therefore move the third reading this day six months.

The *Lord Advocate* of Scotland said, there was no man more unwilling than he was to extend the penal code of the country; and he was sure, if gentlemen connected with Glasgow were then present, they would state the fact, that for three years past he had refused all applications to resort to the present measure. But the scenes which had occurred in the west of Scotland for a considerable time compelled him, however reluctantly, to legislate on this subject; and he felt convinced that he could not devise an adequate remedy for this evil, if this clause was not introduced. Much information would be found on this subject in the evidence given before the committee on the combination laws. He held in his hand two certificates from Dr. Corkendale of Glasgow, detailing the deplorable state to which two workmen had been reduced, in consequence of sulphuric acid having been thrown in their faces. Several persons were tried for this offence, and sentenced to transportation; but that punishment had not the effect of diminishing the crime. Every clause of lord Ellenborough's act applied to this case. If a man were cut in the slightest degree with a sharp instrument, he was liable to the penalty of death for the act; and surely there could be no comparison between a slight injury of that kind, and the misery which an individual must suffer when vitriolic acid was thrown in his face. The man who inflicted a wound, might have had the knife in his hand, by chance, at the moment; but, when vitriolic acid was flung on an individual, it must have been purchased for that diabolical purpose. If this clause were thrown out, he would withdraw the bill altogether. In cases of shooting and stabbing, the probability was, that the person injured, or some passing individual, could give evidence as to the hand that inflicted the wound; but where vitriolic acid was made use of, such precautions were taken as rendered it extremely difficult to procure evidence. It did not however follow, that though the offence was capital, capital punishment would always be inflicted. A discretionary power was left in the hands of the judge. Neither was it intended that this should be a permanent measure. It was meant to confine it to five years; at the expiration of which time he hoped the necessity for it would have ceased.

Mr. Secretary *Peel* said, he was about to suggest to the learned lord the propriety of restricting the measure to a certain period. He was happy to find that the learned lord saw the subject in the same point of view; because he felt that it was due to the moral character of the people that the bill should be temporary.

Mr. *Hume* said, that the forbearance shown by the learned lord, when he was called on to legislate on this subject, did him the greatest credit; and any hon. member who looked to the evidence taken before the committee on the Combination laws, would see that the best possible results had been attained by that forbearance.

Mr. *J. P. Grant* said, that as this was to be a temporary measure, he was willing to withdraw his opposition.

The bill was read a third time.

HOUSE OF COMMONS.

Thursday, June 21.

Conduct of Mr. Kenrick.] Mr. *Denman* said, that as the papers respecting Mr. Kenrick's case were now before the House, he wished to give notice, that he would submit a motion for bringing to the bar, on Friday next, five witnesses, to give evidence of the allegations against Mr. Kenrick. The letter, not yet printed by the House, was that which was published by Mr. Kenrick in a Lincoln paper, and was inconsistent with the facts as developed in the affidavits before the court of King's-bench, as well as with the statements of all the other parties. When these witnesses were examined, then he should have done all that could be reasonably expected of him; for of it he knew nothing except from these sources. It had been intimated, that he ought to bring forward a written charge. But, how could he do so without imputing a legal offence? All the written evidence which he could adduce was, the letter which reflected so strongly upon John Franks. That letter, together with the statements of the witnesses, was of such a nature as, if uncontradicted, was calculated to make out a strong case of malversation, partiality, and oppression, against Mr. Kenrick. Should that prove to be the case, it would remain for the House to decide what course they ought to take. At present, he should merely move, "That John Franks and Esther his wife, Edward Arnold, Henry Peters, esq., and Martin Money Canfor, do attend this House upon Friday next."

Mr. Secretary *Peel* observed, that the object of the hon. and learned gentleman was, to inquire if there was ground for the House to address the Crown to remove an individual from a judicial office. It must first, however, be determined, whether or not the House would enter on the inquiry. If they agreed to summon witnesses, that would be at once to determine that they would inquire. It was due to the individual, and to the importance of the precedent which would be established, to consider what were the grounds for such a proposition. He thought that if the learned gentleman would embody his charges on paper, it would give the individual accused the power of more satisfactorily replying to them. At any rate the motion for summoning witnesses ought to be postponed until the papers were printed.

Mr. *S. Bourne* wished only to give Mr. Kenrick the advantage which the meanest offender would have before the lowest magistrate; namely, that of having the charge specifically stated, with a proper opportunity to be heard in his defence.

Mr. *Abercromby* said, that there were two propositions which no man would dispute. First, that the House ought not prematurely to go into the inquiry; secondly, that they ought not to proceed in it without furnishing the accused with a knowledge of the charge to be preferred against him. But both of those objects had been already attained. The first was effected by the petition of Canfor, which contained the whole matter of the charge. As to the second, a friend of Mr. Kenrick's had stood up in his place in that House, and stated, that it was his anxious desire that there should be full and prompt inquiry. The only question left for the House was, how soon they ought to go into it? The petition of Canfor was before them: affidavits had been prepared by Mr. Kenrick for another place. If evidence were necessary, the House would hear and dispose of it. But, of all cases he had ever known, this was the clearest; and Mr. Kenrick himself courted prompt inquiry.

Mr. Secretary *Peel* said, he did not speak in reference to Mr. Kenrick, but to the forms of the House, and the principles of justice. The House had not determined on inquiry. The learned gentleman might, between this and Friday, reduce his charge to a specific form in writing.

Mr. *Wynn* said, it was the duty of the

House to take care that the accused should have ample knowledge of the charge, which ought to be reduced to writing and handed to him. If the charge affected the party in his judicial capacity, it must be reduced to form in writing. In the case of baron Page, the complaint against him was ordered by the House to be reduced to writing by his accuser, and a copy was ordered to be furnished to him. The House could then decide if there was, primâ facie, a sufficient ground of charge to merit further inquiry.

Mr. *Tierney* said, if he understood rightly, there was no charge against Mr. Kenrick as judge, but only as magistrate. If the charge affected him as a judge, then undoubtedly it must be reduced to writing; but the petition, which really contained the charge, only affected him as a justice of the peace. His learned friend did not make any charge; he only presented the petition. It was an odd way of going to work to fix the responsibility upon a member of instituting, by a settled form of his own, a charge contained in a petition; when they ought rather to choose to hear the petitioner themselves, that in case of his not making his charge good, he might be made answerable. What his learned friend proposed was, that the petitioner should be heard. In the event of proving his charge, it would become the duty of the House to address the Crown for removing Mr. Kenrick from the commission of the peace. Then it would afterwards become a question, how far it could be proper to retain a man in the office of a judge, who was found unfit for the magistracy.

The *Solicitor General* said, that if the motion was agreed to, the House would be going into evidence, without having before it the matter to which the evidence applied.

Mr. *Brougham* was surprised at the doctrine laid down, that a complaint was not to be entertained, unless the House cramped itself by an impeachment or a written charge. He had understood, that the proposition of his learned friend was grounded in parliamentary enactment, and that this mode of proceeding was a statutory provision to enable the House, in particular cases, to do something which was not so light as a mere complaint, nor so weighty as an impeachment. There had been already two instances of this same kind of proceeding in this session, and yet no demand had been made of a charge reduced to writing. The first was against the duke of Manchester; the second against lord Charles Somerset. Inquiry was, in this case, necessary. They might have to impeach. But just now the House was not called on to exert its judicial, but its inquisitorial functions. He had long known Mr. Kenrick professionally, and he did hope that he would be able to clear himself of the charge: but the House must inquire, and it must not be hampered.

Mr. Denman consented to withdraw his motion. After which, it was ordered, 1. "That the matter contained in the petition of Martin Money Canfor be taken into consideration upon Friday next.—2. That a copy of the said petition, together with the above order, be communicated to Mr. Kenrick.—3. That Martin Money Canfor do attend this House upon Friday next.—4. That Mr. Kenrick have leave to attend this House, by himself or counsel, on Friday next."

UNITARIANS — TOLERATION ACT.] Mr. *W. Smith* rose, to present a petition signed by a small number of individuals who were, however, well known and of great respectability, complaining of the situation in which they were placed by the present state of the existing laws affecting the profession of certain religious opinions. He had heard that it had been stated in a very high quarter in another House, in respect to the laws affecting the Unitarians, that before any act could be passed for relieving them from the operation of particular statutes, it would be well that some bill should be passed previously, to protect them from the penalties to which they were still subject at common law. At the same moment, and from the same high and learned quarter, there proceeded an appeal which it was impossible not to perceive to be directed and addressed to him (Mr. Smith) personally, and which went to remind him, that at the time a bill which he had been instrumental in carrying through parliament was passed—such bill having for its object to protect Unitarians, in certain cases, from the legal consequences that might attach to the impugning of the doctrine of the Trinity—he had made a declaration to the noble and eminent person in question, whereby he agreed, as to all cases not provided for by such statutes, to leave the Unitarians liable to all the visitations that they might be still exposed to from the common law. Now, most unquestionably, he had never made such a declaration. On a former occasion, when he was preparing a measure for the further relief of the Unitarians from the obligation of taking certain oaths, he had had an interview with that most reverend and distinguished prelate, the archbishop of Canterbury, for the purpose of explaining to his grace the principle of the bill he was then about to bring into the House. The archbishop of Canterbury, at that time, told him, that if his object was only to remove such penal liabilities as operated to prevent, perhaps, the fair, friendly, and candid discussion of the doctrinal points to which the Unitarians excepted, he was willing to consent to the repeal of those statutes that might be thought to stand in the way of such a discussion; but, of course, not extending this understanding to any denial of Christianity in general, or to blasphemy; both of which he (Mr. Smith) himself proposed to except out of the operation of his bill. The object of his bill, the 3rd Geo. 4th, was simply this—to put Unitarian Dissenters on the same footing, as to the consequences of professing certain peculiar tenets, as all other Protestant Dissenters had been placed by the act of Toleration. Now, it had been clearly stated by lord Mansfield, that unconformity, simply and as such, was no offence at common law. Why then, it was very desirable that these parties should feel assured that the common law would not visit them as if their unconformity was an offence. The act of the 53rd Geo. 3rd, cap. 160, which recited the act 19th Geo. 3rd, exempted Protestant Dissenters from all penalties to which they were previously liable at law for non-subscription to certain doctrinal articles and oaths. So that he inferred, that nothing could be clearer than this fact—that it was only the denial of Christianity in general, or blasphemy, which was an offence made penal at common law, and not mere non-conformity to particular points of doctrine. By introducing the 53rd Geo. 3rd, he had flattered himself, at one time, that he had done some service, by amending and explaining the law in the respects he had mentioned. The penalties denounced against the profession of these tenets by the common law were of the most severe and heavy kind—fine and imprisonment at the pleasure of the judge, who was authorized, therefore, if he should see fit, to take from a man the half of his fortune and years of his liberty for dissenting from the received doctrine of the established church. With the knowledge of facts like these, how was it possible that he should have made any such agreement as that imputed to him? Really, a statement of so serious and so mischievous a nature ought not to have been lightly made in the quarter to which he was alluding. The hon. gentleman, adverting to the other bill he had brought in for the relief of Unitarians from the obligation of taking certain oaths prescribed by the marriage ritual, observed, that after it had received, with one exception only, the sanction and support of all the most efficient and responsible of his majesty's ministers, it was thrown out in the other House. The petition he had now the honour to present, entered so fully into the object of the petitioners, that he could not do better than refer the House to the object of their prayer, premising only, that if the House should feel hereafter disposed to accede to its prayer, the denial of Christianity as such, and blasphemy, would of course remain, as they at present were, offences at common law.

Mr. *Robertson* expressed himself decidedly adverse to the prayer of the petitioners, and cautioned the House to be aware how they encouraged too much the prevailing spirit of innovation.

The petition was read, and ordered to be printed.

CRUEL TREATMENT OF CATTLE BILL.] Mr. R. Martin moved the second reading of this bill.

The *Attorney General* said, that three years ago a bill had been introduced by his learned friend, the member for Knaresborough (sir J. Mackintosh), which rendered it a felony punishable with transportation, to wound or maim cattle. Previously to the introduction of that bill, the wounding or maiming of cattle was, under the act of Charles, made a felonious offence, in those cases only where the guilty party was proved to have acted from a malicious motive towards the owner of the cattle. As the law now stood, however, maiming or wounding cattle, whether it originated in a malicious design or otherwise, was viewed as a felony against the owner. In the course of the last session, the hon. member (Mr. R. Martin) had brought in a bill, which passed that House, but was thrown out in the other, by which the offence that was made a felony by the bill of his learned friend would have been reduced to a misdemeanour. Now, how did the hon. member, in the present instance, endeavour to get over this difficulty? Why, by introducing a proviso in the bill, which set forth, that nothing contained in that bill should be construed to extend to the bill introduced three years ago by the learned member for Knaresborough; thus declaring, that a particular offence was a misdemeanor, which said offence was, by the former bill, the provisions of which were not to be repealed, declared to be a felony. So that the offence was, it appeared, to be both a felony and a misdemeanour. Such a contradictory measure as this could not pass into a law. The hon. member argued, that the existing measure which made the offence a felony was not effective. That, he thought, a very extraordinary reason for endeavouring to mitigate the punishment. He hoped the hon. member would not say that he (the Attorney-general) was the author of that bill, as the hon. member had introduced the proviso in question since it had been submitted to his inspection. He had taken no further part in the formation of the measure than to suggest a few verbal amendments.

Mr. *R. Martin* said, he would maintain, that this was a bill of the Attorney-general's, save and except that part to which allusion had been made. The bill which the Attorney-general had formerly consulted with him in drawing, for preventing the ill-treating of cattle, was nearly the same as the present. When he applied to the Attorney-general on the subject, the learned gentleman said he saw no objection to such a measure, and he brought in a bill pretty much in the form of the present. He afterwards saw the Attorney-general in the library, who took down the black act, and declared that he had no objection to his bill, if it contained the words, "wantonly cutting, maiming, or wounding." And it was not a little remarkable, that the point to which the right hon. Secretary for the Home Department chiefly directed his attention in opposing the bill, when he laughed at the idea of legislating on the cutting off the ears of a puppy-dog, arose entirely from the emendation of the Attorney-general. That bill passed through the committee, and was read a third time; and he would now say, in the presence of the Attorney-general and of the country, that that learned gentleman covenanted with him to apply to the Lords to pass the bill. He did not know whether the Attorney-general had applied to the lord-chancellor on the subject, but he said he would speak to him relative to the bill, as a measure of which he approved. Now, if the Attorney-general would strike out every thing in the present bill, and make it precisely similar to the bill of which the learned gentleman was the author, he would be satisfied. The bill to which the Attorney-general had assented was declared an absurd bill by the House of Lords, and with apparent reason; and it was to cure the absurdity of the Attorney-general's own legislation that he had introduced the clause now objected to. He, however, was ready to leave out the proviso. He was not surprised that gentlemen sometimes forgot at the end of the year what they had said in the beginning of it; but it was very extraordinary that a gentleman should forget what had occurred in the course of 24 or 36 hours. Now, within that time, the Attorney-general had stated, that he had no great objection to the bill, provided a word or two were altered. He said, he was ready to support it, if the bill for allowing counsel in cases of felony were not brought on. He now, however, came down, armed with all the heavy artillery of the law, to batter down the measure. If the Attorney-general thus stood forward to oppose bills which had in view the interests of humanity, he feared the public would look upon the House of Commons as a very bad place for the education of a judge.

The *Attorney-General* said, if the hon. member could reconcile the first and the last clauses of the bill, he would be satisfied to support the measure.

The House divided: Ayes 18; Noes 27. The bill was consequently lost.

Spring Guns Bill.] On the order of the day being read,

Mr. *C. Tennyson* said, that in rising to move the second reading of this bill, he found himself more embarrassed by the facilities which all natural reasoning afforded in support of it, than by any of the difficulties which frequently attended a new project of legislation. The question for the decision of parliament was, whether any individual who pleased, might be allowed to vindicate the inviolability of his property by means which mankind in general hesitated to employ, and, erecting himself into a despot within his own domains, to inflict death, or grievous mutilation, on all who might venture to approach. If a very considerable number of persons were to set spring guns upon their property, the nuisance would become so intolerable, that a bill would probably be passed by acclamation to prohibit the use of them. But, however insupportable such a state of things would be, yet, as far as notice was concerned, it would be less exceptionable than when the practice was confined, as at present, to that limited number of individuals who were now alone found so tenacious of their rights as to assert them by such ferocious means. In employing any expression of that kind, he did not mean to characterize the feelings, or the principles of those who inconsiderately used spring guns, but the nature of the practice itself. Least of all, did he mean to reflect upon the hon. member for Yorkshire, who had announced his opposition to this measure. His high reputation and manly character, the respect in which he was held in his own country, and all he had ever heard of him, sufficed to prove, that nothing could induce that hon. gentleman to employ these machines, but motives which had appeared to him consistent with justice and humanity.—He repeated, that if the practice were universal, the notice would be universal also; and every man would then know that if he quitted the public highway, his life would probably fall a sacrifice. But now, as it was not above one land-owner in 20,000 who thought fit to defend his property by spring guns and man-traps, the unwary rambler fell within the range of their destructive operation, before he suspected that he was traversing the ground of an individual, who, if one might judge from the act itself, considered human life as nothing in comparison with the risk which the trivial objects of his amusement might occasionally be exposed to. The very name, "Man-Trap," had something so horribly repugnant in it, that the inhabitant of another planet would suppose men to be a species of destructive vermin, and that these traps and engines, calculated for their extirpation, were set by beings of a superior order in the scale of existence. That beings of the same species should plant them, would be utterly incredible!—The question to recur to was, whether any individual who pleased, might indirectly resort to means for the protection of his property which other men did not generally adopt, and of which the law would not justify or excuse the direct application, except in those last extremities of self-defence, in which alone homicide was tolerated, and where the law of nature, for a moment, superseded the law of the land. Homicide was stated, by the writers on criminal law, to be *justifiable* only, in order to prevent an atrocious crime, accompanied by force, as rape or burglary; but it was to be remarked, that the cases of justifiable homicide were confined to those where the party slain would have been punished with death for the crime he was about to commit. Homicide was likewise excusable in self-defence, where life or limb was imminently threatened; but it must be made to appear that the slayer had no other possible means of escape, for it was only in the last extremity that this extreme remedy could be resorted to.—He would now examine how far these principles (for which he did not cite distinct authority, because they were notorious) could tolerate the practice against which this bill was directed. First, the homicide committed by a spring gun on a man sporting upon another's property, evidently, was not in self-defence; neither was it to prevent the commission of a crime punishable by death:—on the contrary, the offence—a mere trespass—would not be punishable at all by the criminal code;—at the worst, it was merely a civil injury, against which the law had provided a remedy by civil action. If the party upon whose property the trespass was committed, were deliberately to discharge a pistol at the breast of the trespasser, he would be hanged, however wilful and mischievous the nature of the trespass might be. Even in cases of capital felony, except under the circumstances of atrocity and force to which he had alluded, it would be equally criminal, in the sight of the law, to slay the offender; but it was a manifest aggravation of that criminality, where the party presumed to administer a punishment infinitely beyond any which the law would affix to the offence. If this were so, what, he would ask, was the extent of legal responsibility which ought to attach to a man who not only ventured to slay an individual for a mere trespass—a civil injury—a private, and oftentimes, a merely nominal wrong—unattended by force—unproductive of bodily apprehension—which the law neither denominated nor punished as a crime at all—much less punished by death?—What, he would ask, was the extent of criminality, which, in a moral and abstract view, at least, must attach to the party who not only did this, but who used no discretion as to the object on whom his vengeance should be dealt;—who recklessly suffered it to fall indiscriminately on the head of an offending or an unoffending individual—on the person who might come upon his ground by accident, or, peradventure, with some kind and friendly purpose, or on him who came there with the mind and purpose of a wrong-doer;—and this, on the pretence that the individual on whom the infliction would fall, might possibly, or probably if you will, be (not a person about to commit an atrocious crime, accompanied by force, productive of bodily apprehension, and which the laws would punish by death, but) a wilful trespasser? Now, supposing him to be a trespasser, as wilful and as mischievous as you please, still the owner of the ground would not be justified in putting him to death with his own hand; it was, therefore, incumbent on those who defended spring guns, to shew a distinction between the party who should deliberately kill such a trespasser, and one who, finding it inconvenient to remain personally on watch, should leave as his proxy and representative, a machine so placed, that by a contrivance and arrangement which he had devised for the purpose, it should distinguish (assuming for an instant the possibility) the mischievous trespasser from others, and without giving any warning, any option of surrender, or retreat (as the owner would probably do himself), it should kill or mangle such wilful and mischievous trespasser. If those who contended for the use of spring guns, failed to establish such a distinction, then the party would be guilty of the same crime in one case as in the other;—but, how much was that crime enhanced, if, instead of deputing a machine endowed with powers of discrimination, he should employ one which equally directed its murderous attack against the lives of innocent people passing that way. These blind, unreasoning, undistinguishing, remorseless engines, sacrificed every thing within their range. Infinitely better would it be, monstrous as such a proposition would appear, that the owner should be empowered to destroy or mutilate all persons, being obviously poachers, or wilful depredators, than that he should be allowed to adopt a course, which, nineteen times out of twenty, failed to hit the bird in the eye, but indiscriminately massacred poachers, women, children!—which knew not how to spare even the master himself, his wife and family; and country gentlemen were occasionally petrified by intelligence, that even pheasants themselves had fallen victims to its wanton operation.—The hon. gentleman here stated a variety of cases, in which the most terrific and distressing accidents had resulted from the use of spring guns; and added, that he had scarcely discovered one instance in which a poacher or other actual depredator had suffered from them. It was not practicable to limit their operation to particular individuals. If it could be so directed, it would be a plain case of murder; and could it be imagined—was it possible—that any man could delude himself into an idea, that, by reason of the uncertainty who would be the victim, the crime was less, when it was obvious that this very uncertainty greatly increased the evil? If it could be ensured that the injury would fall upon the head of a specific depredator, then it would be murder;—ought it, then, to be considered less than murder in the eye of the law, where, for the chance of killing the real object of vengeance, all mankind were exposed to danger; and where, in fact (as happened in a great majority of cases), some innocent individual was sacrificed. It was laid down by the writers on criminal law, that the "malice aforethought," which was a necessary ingredient to constitute murder, was sufficiently evinced by any wilful act which showed enmity to mankind in general; such as coolly discharging a gun amongst a multitude of people; or, if a man resolved to kill the next person he met, and did so, although he knew him not, it was murder; for this was universal malice. Again, if a man did an act of which the probable consequence might be, and eventually was, death, such killing might be murder, although no stroke were struck by himself. The case of a man having a bull accustomed to do mischief, which he turned loose in order, as he said, to frighten people, was a case of this sort, and seemed to resemble that of an individual who said, that his spring guns, loaded with ball, were intended merely to frighten, and not to kill. It was murder, however, in the case of the bull, if, so turned loose, it killed a man; and, by parity of reason, it ought, in his judgment, to be equally deemed murder in the case of an individual killed by a spring gun.—This brought him to the argument on the other side, that spring guns were, in fact, merely set with the venial object of exciting terror, and without any purpose of destruction. He had no objection whatever to reasonable and innocent modes of deterring people from trespassing, or otherwise violating the law. He approved even the humane fraud of the learned and ingenious divine, who, finding other means fail, advertised, upon a board, that a *Polufloisboio* was set in his garden; thus exciting apprehension by a new and unheard-of machine, the danger of which no man knew how to calculate or provide against;—but he who used death-dealing engines, who set spring-guns and man-traps, and who put bullets into the one, and sharp teeth into the other, meant to kill or maim those who actually intruded, and assumed that some would intrude in defiance of the terror excited, otherwise, why did he insert the bullets or the sharp teeth at all?—Such arguments as he had ventured to employ, were frequently met by the proposition, that where there was notice given that such machines were set upon a man's property, there was no ground of just complaint. But, he would ask, whether it was lawful, or ought to be lawful, to put a man to death because you have given him notice of your intention? Suppose a gentleman were to give notice, not only by printed boards, but by the cryer in the neighbouring towns, and in the county newspaper, that he would shoot any poacher found in his woods; and suppose him to execute his threat, he would be hanged for murder. The case would not be better, if, after threatening to kill any man, poacher or other, who pursued a certain path through his ground, he actually did so.—Yet, where was the difference between a man so acting upon notice thus given, and one, who, after even the most ample notice, arranged a spring gun to do the same thing in his absence as he would have done if present?—It appeared to him that the fact of notice could make no difference in the principle where the question was to be examined on public grounds, or even where it was raised between individuals as matter of private injury, except with respect to the precise point decided in the case of Holt and Wilks, in the court of King's-bench in 1818. But, the opinion of Mr. Justice Best, delivered in that case, went to give a much more important effect to the circumstance of notice. The case of Holt and Wilks was that of a person injured by a spring gun, where it was proved that he had distinct notice, before he entered the ground, that spring guns were set there. He brought an action to recover damages for the injury received. The decision itself, which was against him, did not, it was obvious, touch the general question as to the criminality (in a moral view) of setting spring guns, or the expediency of permitting their use. All the judges decided the case on the prominent ground, that notice being brought home to the party, volenti non fit injuria. The Lord Chief Justice expressly guarded himself by saying, that "he left untouched the general question, as to the liability incurred by placing such engines as these where no notice was brought home to the party injured;" and Mr. Justice Holroyd seemed to take the same course. The language of that learned judge was, however, very remarkable with reference to the general question. He said, "the only doubt which I have entertained during the course of the argument, arises out of the maxim of law, that a man cannot do that indirectly which he cannot do directly. I am now, however, satisfied that this principle has no application to the present case, where the plaintiff had express notice, that spring guns were placed on the premises into which he wrongfully entered; for, in that case, the firing off the gun, which was the cause of the injury, was his act, and not the act of the person who placed the gun there. If, indeed, a party who had no notice, had gone into the grounds, although he would be a trespasser, the act of firing off the gun by treading accidentally on the wires, would not, in consequence of those wires being latent, be considered his own act; but he would be a mere instrument of producing that which resulted from a prior act done by another." After explaining and illustrating this position, he added, "Now, in the present case, in order to make the firing off of this gun the act of the person who placed it there, we must consider him as doing, indirectly, the same thing as if he had taken up the gun and shot the plaintiff; and we must consider the latter an instrument and not an actor; but, in my opinion, the plaintiff, in this case, was not an instrument, but an actor." It was plain, from the tenor of this language, what Mr. Justice Holroyd's opinion would be in a case where notice was not distinctly brought home to the party.—He now came to the opinion of Mr. Justice Best, who laid it down, that the prevention of intrusion upon property was a right, to vindicate which, every proprietor was allowed to use the force which was absolutely necessary. The learned judge proceeded, "If he uses more force than is absolutely necessary, he renders himself responsible for all the consequences of the excess. Thus, if a man comes on my land, I cannot lay hands on him to remove him until I have desired him to go off. If he will not depart on request, I cannot proceed immediately to beat him, but must endeavour to push him off. If he is too powerful for me, I cannot use a dangerous weapon, but must first call in aid other assistance. I am speaking of out-doors property, and of cases in which no felony is to be apprehended. It is evident, also, that this doctrine is only applicable to trespasses committed in the presence of the owner of the property trespassed on. When the owner and his servants are absent at the time of the trespass, it can only be repelled by the terror of spring-guns or other instruments of the same kind. There is in such cases, no possibility of proportioning the resisting force to the obstinacy and violence of the trespasser, as the owner of the close may, and is required to do, where he is present."—Now, the most prominent objections to spring guns, were, that they knew not what trespasses ought to be forcibly resisted, and were incapable of proportioning their force to the occasion; yet the learned judge was here alleging this very incapacity as their apology and defence! But, they were moreover chargeable with doing at once, that which the owner could, in no case, do to a trespasser—they violently, and without parley, deprived him of his life, or inflicted on him some grievous bodily injury. Mr. Justice Best added, that it could not be unlawful to set spring guns in an enclosed field, at a distance from any road, giving such notice that they were set, as to render it in the highest degree probable, that all persons in the neighbourhood must know that they were so set. But he (Mr. T.) wished to observe, on the subject of notice, that others, beside the immediate neighbours, were exposed to the dangers of spring guns. In the neighbourhood, it soon became notorious. It was to persons unacquainted with the spot, that the danger was always imminent. No notice was so full and complete, as to secure it to all who might approach, by meeting the eye upon every part of the boundary. The great probability always was, that the party would cross the fence, in the interval between the boards, and at a point where they were not visible. Besides, the fullest notice by boards would be ineffectual in the night, or, in the case of persons unable to read. He did not wish to contravene the decision of the court, in the case of Holt and Wilks. On the contrary, he thought it a sound determination of the point which there arose; but the general question which parliament had now to decide was not, as in that case, whether a man who had distinct notice, that spring guns were set, could maintain an action for an injury received, but, whether, by permitting the continuance of this practice, society at large should be exposed to the risk, which each individual ran, of passing the boundary of a territory, where these engines were set, without seeing the notice which a board might exhibit. He would go further, and say, that as, even where the party had seen the notice, he might act like the individual in the case of Holt and Wilks, who, for the sake of a few wood-nuts, resolved to brave the danger—a paternal and humane legislature ought not, in his mind, to allow a tenacious proprietor, reckless of human life, to spread temptations in the first place, and snares in the second, for the weak, the youthful, and the rash. Neither was it expedient that such an example of ferocity on the part of the rich, should be given to the poor. Practices like these, especially when they appeared to be tolerated by the law, (as this would if the present bill should be rejected,) were calculated to produce the worst effects on the mind of the lower orders of the people, by leading them to believe that the laws were oppressive and bloody, as directed against them on the part of the higher classes; and possibly, to generate a spirit of retaliation, which, in troublesome times, might develope itself in deeds of horror and of vengeance.—The hon. gentleman remarked, that, however complete the notice might be in any case, the maxim "Volenti non fit injuria," which governed the court in that of Holt and Wilks, could not decide the question which parliament had now to consider; namely, whether the state did not receive damage by the injury done to individuals, by this practice, and whether it did not therefore enter into the class of public wrongs, as to which no man could be considered as "Volens." The maxim had exclusive application to matters of private wrong, and could have none whatever upon any subject connected with the criminal jurisprudence of the country. Mr. Justice Best had adverted to the principle that a man must so use his property, as not to injure another, but denied its application where that other person was guilty of a trespass. To agree with the learned judge, it was necessary to assume that a man had that sort of an absolute dominium over his land, which would exclude all mankind from it in all supposable cases; but, it appeared to him, that property of every description was rather of a qualified, than an absolute nature, whether it were in land or any other possession. In a state of society, a man's property was evidently qualified, rather than absolute, even in those possessions which were more immediately and personally his by nature, as in his strength, or even his life. They must not be employed in a manner incompatible with the good of the society to which he belonged, or the one might be coerced, and the other might be forfeited. The policy of states had assigned to individuals separate property, the extent of a man's power over which, varied according to the varying temper and circumstances of different governments. It was assigned to him out of what was originally fisc, or common stock, and the usufruct was thus secured exclusively to him, in order to induce him to improve it to the utmost, which was for the public benefit as well as for his own. But this purpose being answered, it was not expedient that those persons, in whom the possession of the soil was vested by conventional laws, should render the earth, which was given to mankind in general as an abiding place, unfit for that main purpose; it was not justifiable that any man should so deal with the portion of land which fell to his lot, as to render it an infernal region, within which he might usurp the power of inflicting death on all comers; of inflicting it without warning, and before the case of the individual could be examined into, according to the impartial practice of that Rhadamanthus, who within his

> ——— durissima regna
> Castigatque—auditque.

Besides, it was inconvenient to the state itself, for there were many purposes, on account of which, a man could justifiably enter upon the land of another; and for which the law should secure to him the power of entry. Take the case of the pursuit of a felon, or of escape from felonious attack—the execution of civil or criminal process upon the land, on the part of public officers, and various other cases which might be assigned. But these justifiable entries would be precluded, if men could lawfully set spring guns upon their ground, and thus prohibit the approach of any human being, however necessary and warrantable. If spring guns were found to prevent poachers from trespassing on the ground where they were placed, they would naturally resort to property not so guarded. This gave an undue advantage to him who scrupled not to offer up his fellow beings as sacrifices, upon the altar of his pleasures, while the humane proprietor suffered accumulated depredation. Accordingly, if the legislature decided to tolerate the practice, it must deem it advisable and desirable that it should be general, in order to secure an equal protection, and put an end to depredation altogether by these means; and then, he would ask, what would be the condition of the country, if every hollow contained a man-trap, and every bush a spring gun? The earth would become a hell, and mankind would be divided into devils and victims. A legislature was bound thus to look at the general consequences of any practice submitted to its review, and there could be no doubt that this was one which must produce both practically and morally—both immediately and by consequence, the most baneful results to the country. —He now came to a consideration of the remedy for this evil, provided by the bill before the House. First; the act of setting the engine was declared to be unlawful, and any injury short of death was constituted a misdemeanor. Next, homicide by means of a spring gun was declared to be manslaughter. He had shown, that it could not be justifiable or excusable homicide, and he thought he had also shewn that, consistently with legal principles, it might be dealt with as murder. The noble person, however, who framed this measure, was restrained by the humane and benevolent feeling which constantly distinguished him, from treating that as murder which the usage of the country had, to a certain extent, for some time past, tolerated. He had treated it, therefore, as manslaughter, which was defined by the authorities to be, the unlawful killing another, without malice, and either voluntarily, as upon sudden provocation—or involuntarily, but in the commission of an unlawful act. The case of manslaughter by a spring gun, would fall within the last class. The act of setting the spring gun was made an unlawful act—and the death ensuing upon it was assumed to be an involuntary consequence, chargeable, as manslaughter, upon the party. The prohibition to be effected by the bill, of spring guns and man traps, was general. It extended equally to gardens as to fields and woods, and to the night as well as to the day-time. If there was any truth in the principles he had laid down, he could not compromise them by agreeing to an exception in favour of gardens, or to one which would allow the use of spring guns in the night, which some gentlemen desired. Upon those principles both exceptions were inadmissible, and he would rather the matter remain as it was, than accede to any legislative sanction of the practice, however limited. In order, however, to supply the deficiency of the existing laws for the protection of gardens, a deficiency from which had originated the use of spring guns and man traps for that purpose, he had another bill from the Lords to recommend to the notice of the House, which was, to make it felony to steal in a garden, although the fruit or vegetables were severed at the time by the hand of the depredator, in which case, as the law now stood, the depredation could only be dealt with as a trespass, or, under an act of Elizabeth, as a case for compensation, with the alternative of whipping. With these observations, he should leave this bill for the prohibition of spring guns in the hands of the House—and whether it should consider the practice of employing those engines with reference to the homicide and other grievous mischief, which too frequently resulted from it, and which the rejection of the bill would appear to tolerate and even to patronize—or with reference to the inconvenience of permitting individuals thus to make and execute laws for themselves, and to vindicate their property by these bloody and disproportioned extremities, far beyond any which the law itself would administer—or whether the House should look to the brutalizing effect of the practice on the mind and character of the British people, and to its certain and mischievous tendency to produce a re-action of hostile feeling amongst the lower classes, against the institutions of the country, by destroying that respect for and attachment to them, which it was most important to cultivate and maintain—he felt a confidence that it would sanction this measure for putting an end to an anomalous barbarity which was inconsistent with any system of regular government, and especially disgraceful to a country which, in other respects, stood pre-eminent for its laws and institutions, its morals and its usages amongst the enlightened and civilised nations of the earth. He moved, that the bill should be read a second time.

Mr. *S. Wortley* denied, that spring guns were used only by lords of manors for the protection of game. They had been long used by persons of inferior rank, for the protection of various descriptions of property. It was not, therefore, as seemed to be generally argued, a question between the rich and the poor. He contended, that spring guns were not unlawful. According to the law of the land, a man had a right to set them for the protection of his property, provided he gave due notice of his doing so. That had been over and over again determined by the judges on the bench. There were no doubts on the subject: but the bill professed to be for the removal of doubts. It was founded, therefore, on a false principle; and, were it on that ground alone, he would vote against it. The other House was in the habit of criticising bills which they received from the House of Commons. It was but fair to look closely in return at the bills received from the other House; and he would say of this bill, that the preamble was false, and that the clauses were contradictory and unintelligible. In support of his opinion of the legality of the practice, he quoted the opinions of several of the judges, especially that of Mr. Justice Bailey, one of the most humane men living. If spring guns were illegal, then all kinds of property had been up to this time illegally defended. One of the main benefits of the use of spring guns was, that they not only acted as a great discouragement to poaching, but tended to prevent the dreadful evils which resulted from the affrays and fights between bodies of game-keepers and poachers. Among other instances of the kind, he knew of one in which poachers having been deterred from going on his (Mr. S. W.'s) grounds, in consequence of knowing that there were spring guns set in it, had proceeded to a neighbouring manor, where they were met by a body of game-keepers. A sanguinary conflict took place. One of the game-keepers was severely wounded; one of the poachers also was wouned, and another taken and transported. Such evils as these were averted by spring guns. If the bill should proceed, it was his intention to propose an amendment, that the use of spring guns should be illegal only during the day, but not in the night.

Sir *F. Burdett* observed, that there was scarcely any instance on record, of spring guns having taken effect on the persons against whom they were planted. Their general operation was on innocent persons; and was something very like assassination. After adverting to the decision of the court of King's-bench on the subject, he observed, that previous to that decision the judges of the court of Common Pleas were divided in opinion respecting it; so that the assertion in the preamble of the bill, that doubts existed respecting the legality of the practice of using spring guns, was well founded. The English law was so tender of human life, that it did not permit it to be taken, except when property could not be otherwise defended. Yet here was a mode of taking life operating principally upon the innocent, and which, even if it operated upon the most guilty, would inflict upon them a punishment more than adequate to their offence. Those upon whom it principally operated were children straying into the woods to pick up sticks or flowers; or travellers, wandering out of their road. It was allowed, on all hands, that the use of spring guns would be illegal, were it not accompanied by due notice; now, from the very nature of the case, due notice could not be given. But, the greatest evil attendant on spring guns was, their being applied to the protection of game. He could not coincide with those who thought so discreditably of English gentlemen, as to believe that the preservation of game was indispensable to their residence in the country, and their performance of the various duties of their situation. To call such an argument in aid of the use of spring guns was a proof of the weakness of the cause. The Game laws generally were among the greatest evils with which the country was afflicted; and it was incumbent on the House to do what they could to put an end to a system which maintained a kind of civil war, and which prevented that good feeling which would otherwise subsist between the rich and the poor. If the setting of spring guns would, as the hon. member for Yorkshire seemed to suppose, prevent such an evil, the practice might almost be tolerated. But, we had all the evils resulting from the Game laws added to the evils resulting from this cruel system.

Mr. *R. Colborne* observed, that he was one of those who objected to the bill, not because they were admirers of spring guns, but because they preferred that mode of preserving game and other property, to other measures which might be adopted. As to humanity, he could not highly applaud the humanity of persons, who objected to spring guns, but who prepared well-organized bodies of armed men, to turn out and fight with the poachers. It was his firm opinion, that if the quantity of blood spilt in the nightly conflicts to which he alluded, could be compared with the quantity of blood spilt accidentally by spring guns, the tide of opinion would not run so strongly as it did in opposition to the latter mode of defence.

Mr. *Hudson Gurney* said, he thought the country under great obligations to the noble lord with whom this measure originated in the other House; who was himself a great proprietor, and had more game than any other individual in the county of Norfolk. The infamous practice of setting spring guns was, he said, of very modern introduction; the victims of it were generally the innocent. Unhappily, it had of late been very much on the increase. He believed himself that it was entirely unlawful, and trusted it would ever remain so.

Lord *Binning* was in favour of the principle of the bill, as it applied to the question of game, but there were some clauses in it to which he could not assent.

Mr. *Scarlett* observed that, by the law of England, game was not property. If it were, the setting of spring guns might be the more excusable; but after the decision in the courts, some revision of the law was requisite. He should therefore vote for the second reading, in the hope of accomplishing it.

After a short reply from Mr. Tennyson, the House divided: Ayes 39; Noes 27.

List of the Majority and Minority.

MAJORITY.

Allen, J.A.
Benett, J.
Bentinck, lord W.
Binning, lord
Browne, D.
Burdett, sir F.
Cooper, Bransby
Corbett, Panton
Denman, T.
Evans, W.
Forbes, sir C.
Gurney, Hudson
Hardinge, sir H.
Haward, Henry
Hendley, H.
Hume, Jos.
Hutchinson, C. H.
Jones, J.
Lamb, W.
Lockhart, J. J.
Marjoribanks, S.
Monck, J. B.
Mundy, F.
Phillimore, Dr.
Plummer, W.
Rice, T. S.
Russell, lord J.
Scarlett, J.
Sefton, earl of
Stuart, lord James
Trant, W. H.
Tulk, F. A.
Twiss, Horace
Wilson, C.
Wilson, sir R.
Wodehouse, hon. col.

TELLERS.

Hobhouse, J. C.
Tennyson, C.

MINORITY.

Bankes, H.
Bridges, ald.
Clerk, sir Geo.
Douglas, J.
Fellowes, N.
Gordon, hon. W.
Green, Thos.
Joliffe, J.
Lovain, lord
Lowther, J.
Lowther, lord
Lushington, S. R.
Manners, lord R.
Milbank, M.
Percy, capt.
Ross, C.
Seymour, H.
Somerset, lord G.
Townshend, col.
Tremayne, J. H.
Wharton, J.
Wigram, W.
Wilson, Thos.
Wortley, J. S.

TELLERS.

Colburn, Ridley
Shelley, sir John

ASSESSORS AT ELECTIONS' BILL.] Mr. H. Twiss moved the committal of this bill.

Mr. *Hobhouse* said, that the bill had been before the House almost as many sessions as he had been a member of it; and yet he had hardly heard any reason in its support. The learned mover seemed to think that there was a want of lawyers at elections; now, he thought the evil was of an opposite character—from what he had seen, there were too many lawyers at elections. But without adverting to the provisions of the bill, he had to express the hope that at so advanced a period of the session, the bill might be withdrawn.

Mr. *H. Twiss* said, that the fault was not his that the bill had not been brought on earlier; nor was the situation of his bill peculiar; others, not originating with the government, being similarly circumstanced; so that it would seem, as he had brought the bill before the House four sessions, that delays were not confined to the court of Chancery. After the wish that had been expressed, he would withdraw the bill; but would introduce it next session.

HOUSE OF LORDS.

Wednesday, June 22.

RATE OF INTEREST IN INDIA.] The Marquis of *Hastings* rose to move the second reading of the bill he had introduced to explain the clause of the act of the 13th of Geo. 3rd, relating to interest payable in the East-Indies. He observed, that as the learned judges were now present, as well as several noble lords who were not in their places when he introduced the bill, he should recapitulate the arguments which he had addressed to the House on that occasion. His bill was intended to define the true scope and meaning of the limitation of interest contained in the clause. The opinion which the law officers of the Crown had given was now before their lordships, and they would find, that that opinion was contrary to the understood meaning of the clause in India, and to the practice which had always been followed there. The bill he introduced, therefore, declared in express terms, that the clause in the 13th Geo. 3rd did not extend to persons within the territories of an independent sovereign. The law officers of the Crown, whose opinions were asked on this clause, had been under the necessity of extracting some meaning or other from it; but they had fallen into an error in conceiving that it extended beyond the British dominions in India. If they had looked into former statutes, they would have found that, in the greater part of those statutes, the words "East-Indies" were exclusively applied to the possessions of the East-India company. The noble marquis then reiterated what he had before stated respecting the practice of the Indian government, and repeated his argument, that offences committed in an independent state could not be prosecuted in any of the three presidencies, since the courts of those presidencies did not even take cognizance of offences committed within the jurisdiction of each other. In the paper on the table, their lordships would find a reference to the 37th of the late king; but that act threw no light on the clause in question; and it would, indeed, have been very extraordinary if twenty years had been suffered to elapse without this clause being understood. The clause was framed to meet a substantive evil. It was supposed that public functionaries lent money to native princes at exorbitant interest, and the object was, to prohibit such persons from engaging in pecuniary transactions of that kind. The noble marquis said, he would move the second reading, and then put a question to the learned judges, whether the bill he had introduced did truly set forth the intent and meaning of the clause in the 13th of Geo. 3rd.

The bill was read a second time, and the judges withdrew.

HOUSE OF COMMONS.

Wednesday, June 22.

Petition of F. Jones, complaining of Country Bank Notes not being paid in Gold.] Mr. *Hume* said, he had a petition to present from Mr. Frederick Jones, of Bristol, on a subject of great importance—the laws respecting our currency. The House were aware that a great increase had taken place in the price of all the necessaries of life, and that it was held as a general principle by many political economists, that where such a great rise took place in all the articles of consumption, it was chiefly attributable to some change in the state of the currency. There were different opinions on this subject; but, as it appeared by the petition which he was about to present, that a large portion of the currency of the country was not immediately convertible into gold, it was very possible that that circumstance might have had a considerable effect in producing the rise to which he had alluded. After a brief history of Mr. Peel's bill, and of the subsequent measure by which country bankers were permitted to issue small notes, the hon. member proceeded to state the contents of the petition. It appeared that the petitioner, having occasion for some gold, presented six one pound notes at the Castle Bank at Bristol, for which he demanded gold; when he was told by the clerk, who tendered him Bank of England notes, that the gold was locked up, and that he could not comply with his request. When, again, he presented forty-five one pound notes of the same bank for payment in gold, gold was again refused; and Bank of England notes were again tendered. On applying to his attorney, he was informed that his only remedy was an action at law; that it would be nine months before the suit could be brought to a conclusion; and that the operation of the verdict might then be further postponed by a writ of error. The petitioner therefore prayed for the enactment of a law, enabling persons holding country bank-notes to obtain a summary recovery of their value in gold; or, that the House would apply to the disgraceful and growing evil in question such other remedies as in their wisdom they might think calculated to meet it. With Mr. Peel's bill the House and the country were very well satisfied; but the subsequent measure respecting the country banks had materially endangered the benefits derived from it. What appeared to be wanted was, a bill which should place country banks on the same footing with respect to paying their notes in gold as the Bank of England. The advantage of such a bill would be two-fold. It would prevent inconvenience to those who, for any particular purpose, wished to obtain gold; and it would prevent the necessity of having recourse to legal proceedings for a remedy. Such a measure was well worthy of consideration; and in his opinion, the House ought not to separate before they passed a precautionary act, making country bank-notes payable in cash. He knew it was the opinion of his lamented friend, Mr. Ricardo, that the currency of the country was in a good state, while country banks were compelled to pay in Bank of England notes, which Bank of England notes were payable in gold. But the inconvenience felt under the present system, by any man resident in the country, who, wanting twenty or a hundred sovereigns, was obliged to send up to the capital for them, seemed to require some remedy. He now begged leave to present the petition.

Mr. *J. Smith* said, that never in the course of his experience had he heard a more singular petition. Country banks were now placed on the same footing as the Bank of England, and if a country banker refused to pay on demand he was liable to an action. He thought, however, that in case of a great run, country bankers ought to be allowed time to get their specie from London. It might have happened that a house might have been so indiscreet as to refuse payment; but he knew there was not a respectable country banker in England who would refuse to pay notes in gold if demanded. He never knew a petition less necessary, less called for, or less worthy the attention of the House.

Mr. *Brougham* said, that country bankers were by law bound to pay their notes on demand, and this petitioner knew it, because he said in this petition, that after applying for legal advice, he found he had no remedy but an action at law. If any other act was to be passed, that could only give a remedy by an action at law. The hon. gentleman who spoke last had said, that perhaps time ought to be given to bankers to send to London in case of a run. Surely he could not mean seriously to say that a banker had a right to wait till he sent to London for cash. The banker was bound to pay every farthing at his own risk. If there was a run, he must do what he could to meet it. To pass an act, giving bankers a time, within which to pay what by law they were bound to pay instanter, would be injurious to every rank in the country, and grossly insulting to the legislature which passed such an act.

Mr. *J. Smith*, in explanation, observed, that in point of fact, the law to which he alluded was an ancient law, by which it was enacted, that if a country banker did not pay in three days, he might be compelled to pay by a summary proceeding before a magistrate. He repeated, that no country banker did or could keep by him gold sufficient to satisfy all the notes he might have in circulation.

Mr. *Hart Davis* could not help thinking there was some mistake which might be explained.

Mr. *Hume* said, that when the petition was put into his hands, he had inquired why the individuals complained of had not been arrested, and he was informed that an interpretation had been given to the act which precluded them from immediate arrest.

Mr. *Huskisson* said, there could be no doubt that every banker who issued bank notes, payable on demand, was liable to pay them the same as he was before the bank restriction, and in the same manner as the Bank of England was bound to pay all its notes.

Sir *J. Wrottesley* hoped that the hon. member for Aberdeen had inquired well into the character of the petitioner from whom he had received the petition; otherwise, as the contents of the petition had a tendency to affect the credit of a mercantile establishment in a very important point, by a recent decision, the parties injured would have a claim for damages upon all who assisted in circulating the obnoxious matter.

Mr. *Hume* said, he had reason to believe that the petitioner was correct in his statements; for it had been delivered to him by persons in whom he could repose confidence. He did not know the parties against whom the petition complained, but had taken up the case upon a general principle, and upon the belief that the petitioner was deprived of his remedy at law.

Mr. *T. Wilson* said, the petitioner might be some mischievous individual who wished to injure the name and character of the parties referred to. Unless the hon. member knew the individual, he ought to withdraw the petition rather than let it lie on the table.

Mr. *Hume* consented to withdraw the petition until he had made further inquiries concerning the facts, and the parties concerned.

CONDUCT OF LORD CHARLES SOMERSET AT THE CAPE OF GOOD HOPE.] Mr. Brougham postponed his motion for taking into consideration the petition of Mr. Bishop Burnett against the governor of the Cape of Good Hope until the beginning of the next session. Upon consideration, he found it would be improper to open charges which could not be answered that session.

Mr. Secretary *Canning* said, that the circumstances had been referred to the commissioners of inquiry sent out to the Cape of Good Hope. Leave of absence had also been forwarded to lord C. Somerset, that he might, if he thought fit, return to meet the charges made against him. But, whether his lordship came home or not, the commissioners would prosecute their inquiry at the Cape. Certain it was, that the office had not sufficient means of information to warrant the House to undertake the investigation at present. Neither would it be consistent with fairness and justice, since the government had sent out a leave of absence, to proceed, until it was seen whether or not lord C. Somerset would avail himself of it

Mr. *Wilmot Horton* took that opportunity, in reply to a question put to him the other day, to state, that Edwards was an escaped felon from New South Wales, and was at the Cape, but had had no concern in these transactions.

Lord *E. Somerset* said, that feeling interested in the character and reputation of his noble relative, against whom such serious charges had been brought, he was naturally anxious to take the earliest opportunity to assure the House, that the noble lord, so far from shrinking from an inquiry into his conduct, was destrous of submitting his whole proceedings to the fullest and most complete investigation. A commission was now engaged in inquiries into all the measures of his noble relation, and it was the object of that noble lord to give every facility to the proceedings of that commission. The more the conduct of his noble relative was inquired into, the more satisfactory would that conduct appear to the world, and the more completely would he be rescued from those abuses and attacks to which he had been lately exposed. Anonymous publications had been circulated against his noble relation, and the utmost pains had been taken to diffuse such slander throughout the Cape. Some of these charges were of the most atrocious nature; but at the same time, their inconsistencies with each other destroyed the credibility of the whole of them. He conjured the House to suspend its judgment until the report of the commissioners had arrived, and until his noble relative should return to England, if he thought it necessary, to avail himself of the leave of absence which had been offered to him.

Mr. *Brougham* said, he had never read one line against lord C. Somerset, except the petition of Mr. Burnett, and a case relating to his professional duties at the bar. He was totally unprejudiced against lord Charles, but nevertheless he thought that the charges against him ought to be investigated. Of all men on earth lord Charles, if he were innocent, ought to be the most desirous for that investigation. One charge was, that the noble lord had fixed the criminality of a publication upon Mr. Burnett, whereas the real culprit was the notorious Oliver, the spy.

NEWSPAPERS BILL.] The report of this bill being brought up,

Mr. *Hume* entreated the chancellor of the Exchequer to listen to his proposal for reducing the duties on newspapers, which he might do without injury to the revenue. The doing away the restriction as to the size of the paper was good; so was the reduction of the stamp on supplements to two-pence, provided that they contained nothing but advertisements. What he proposed was, to reduce the stamp to two-pence on all newspapers. The reduction as it stood would do no good to those establishments who most needed it. The duty was increased 1*d.* in 1814, but the increase in the revenue did not correspond. The increase from 1806 to 1814 in newspaper revenue was 326,000*l.* In the nine years following, with the addition of 1*d.* on the stamp, the increase was only 4,000*l.* whereas it ought, if it had followed the proportion, to have produced 100,000*l.* Philadelphia was ten times less than Liverpool in commercial consequence: yet six times as many papers circulated at Philadelphia as at Liverpool, and there was seventy times as many advertisements published, the price for insertion being about 6*d.* the price of the newspaper itself, 1½*d.* Reduce the duty on advertisements to 1*s.* and the stamp so that the paper might sell at 3*d.* and more newspapers would be circulated and more revenue collected. He would guarantee the right hon. gentleman against loss. So anxious was he, that he would almost become personally responsible, if, at the end of a year, any loss should accrue. He entreated the right hon. gentleman to make trial of it for one year, and concluded by moving to leave out the word "supplement," for the purpose of reducing the stamp on all newspapers to 2*d.*

The *Chancellor of the Exchequer* said, that if he were about to sell an estate, he should not for a moment object to the hon. member's guarantee; but where half a million of public revenue was at stake, he must excuse him if he looked for some greater security. Besides, the newspapers were satisfied with the benefits they were to derive from the proposed regulation. The hon. member objected, that lessening the duty on supplements would benefit only a few, and was an injustice to the other papers. To this he answered, that he lessened a particular duty upon those who were obliged to pay it, and this surely could be no hardship upon persons not subject to that duty. When he considered the variety of taxes they had dealt with during the session, and the number of reductions which had been made; he could not consent to any further reductions.

The Amendment was negatived, and the original resolutions agreed to.

NAVIGATION LAWS—BRITISH SHIPPING BILL.] On the order of the day for the third reading,

Mr. *Robertson* begged to call the attention of the House to the great decrease of shipping in this country, and its increase in other countries, from which the right hon. gentleman near him had lately removed the operation of our old Navigation Laws. From papers which were before the House, it appeared that the increase of foreign shipping engaged in the Baltic trade with us, since the removal of those restraints which formerly existed upon it, was no less than 150,000 tons; and the decrease of British shipping trading to the ports of those vessels was 28,000 tons. The whole foreign commerce that was carried on by this country, and which, during the prevalence of our old navigation laws, was confined almost exclusively to British bottoms, was now transacted, the major part of it at least, in foreign vessels. The proportion between the two descriptions of shipping might be very shortly stated thus —the foreign trade of Great Britain employed of British shipping 660,000 tons; of foreign ditto, 680,000. He did, therefore, earnestly exhort the House to consider well the inevitable consequences to which the measures lately pursued by ministers must tend. Twelve years ago only, what would have been thought of a statement that such was the condition of our trade? How would gentlemen have been alarmed, if it had been stated that our foreign commerce was carried on by vessels of other nations than our own? It was true that our coasting trade was very flourishing, and, including that of Ireland, employed a tonnage of near 1,000,000 tons. The trade with the United States, however, like our foreign commerce, exhibited the same alarming appearances; for it employed British shipping to the amount of 42,000 tons only; but shipping of the United States to the amount of 126,000 tons. He must call such a condition of things most alarming. Let it be remembered that America possessed about an equal share with ourselves of the trade with the continent; and that a very large coasting trade was carried on in her own vessels upon her own coasts. The natural tendency of that trade to increase, presented to his mind the prospect of additional changes to our own trade hereafter. If the right hon. gentleman who had so warmly advocated the fatal alterations in our commercial policy, had wished to devise a project the most hostile to the future welfare of our trade, he could not have hit upon one more entirely calculated to effect such a purpose than that which he had been pursuing. He had been forcibly impressed with this truth the other night, on hearing the speech made by the right hon. gentleman in relation to the Customs' bounties bill. For what appeared from that speech? Why, that we imported from the Baltic, flax, hemp, and timber; and the two first we empowered our manufacturers to convert into canvass and cordage. We allowed them a bounty on the exportation of that cordage and canvass to foreign ports, where they would be used for the rigging and equipment of foreign ships. But, upon the same manufactures, if employed for the use of our own shipping, we actually levied a certain duty. The same inconsistency was observable in respect of the timber trade. The government had imposed a heavy duty upon the importation of the timber of which our ships were built; while in our own ports, to foreign vessels built with timber that had paid no such duties, they gave equal advantages and an equal footing with our own; thereby putting British vessels in a worse situation than the others. He would ask, whether there was any possibility of our being able to compete with them under these circumstances? The fatal effects of the new order of things might not, perhaps, be much felt for some years to come; but, supposing this increase in foreign shipping and decrease in our own to continue, and the trade of the United States with France, for example, to go on enlarging itself, what was to become of us in the event of a war? Our greatness depended on the greatness of our navy; and in the decay of its strength was involved the failure of our own. In the same spirit the right hon. gentleman had said, on a former evening, that if our seamen chose to enter into such combinations as some of them had engaged in recently, we must employ foreigners; and that if the shipwrights persevered in similar connexions, it would be necessary for our merchants to take up foreign shipping. From propositions like these, fraught with so much danger, he earnestly entreated the House to withhold its sanction.

The bill was read a third time.

PARTNERSHIPS SOCIETIES (SCOT-

LAND) BILL.] On the order of the day for the third reading,

Mr. *J. P. Grant* said, that the bill had been brought in without due consideration. Its preamble recited that to be true which was manifestly false; and declared that to be law which the decision of the House of Lords, in a recent case, had declared not to be law. If this bill should pass, it would hold up this House to absolute ridicule. The bill set forth, that, by the law of Scotland, partnerships, or commercial associations of individuals, might sue and be sued in respect of debts, bonds, &c.: but, so far from this being the case, decisions of the courts of session in Scotland had repeatedly held, that such partnerships could neither sue nor be sued.

The *Lord Advocate* contended, that, by the law of Scotland, as it had existed for upwards of a hundred years, partnerships might sue and be sued. Authority, too, was given by the same law to record bills of exchange, in further extension of the principle that partnerships might sue and be sued. The records of parliament would show innumerable instances of appeals carried on in the names of such joint partnerships. He would further observe, that this was not a declaratory but a prospective bill. The measure was one of the utmost importance to the commercial interests of Scotland; and he might say, that they would be excessively alarmed if they heard that the question had been made matter of doubt.

Mr. *T. Wilson* supported the bill, and was so convinced of its beneficial tendency, that he should be glad to see a similar measure introduced into our own commercial law.

Mr. *Scarlett* would be sorry to see any such thing introduced into the law of England. It would lead in its operation to a great deal of fraud; for if all partners in a partnership were able to sue or to be sued, what would be the condition of a defendant, who having been proceeded against by all of them, should have judgment in his favour? What would he do, in very many cases, for his costs? How would he be able to recover them? It was to be hoped, therefore, that no such measure would be engrafted upon the law of England. As to the bill itself, it was clearly declaratory.

Mr. *Baring* said, that the learned lord had intimated, that in Scotland the bill was absolutely necessary; a learned friend of his had just declared, that he should be sorry to have it introduced into the law of England, because it would be productive of fraud; and that observation had been cheered by the Attorney-general. Now if, as he himself believed, this would be a beneficial measure for one part of the empire, why would it not be also for another? This was another instance in which lawyers had shown that they were not the best judges of what laws would be most beneficial for merchants. In Ireland an old law existed, authorizing individuals to form partnerships with a limited responsibility; but in England the matter remained in a state of doubt and difficulty, which he had no doubt the lawyers considered to be the perfection of all law; because hon. and learned gentlemen had never taken any objection to it. Against the present bill, however, he was disposed to vote, seeing that it did not apply to all parts of the united kingdom.

The *Attorney General* said, it had been considered by those who introduced this bill, that they were proceeding upon what was law, and had been considered to be law in Scotland for a hundred years and upwards. At the suggestion of some commercial men, he himself had lately entertained some thoughts of proposing a similar measure in respect to England; but when he came to look more carefully at its necessary operation in this country, and to consider how wide a difference the very existence of such a court as the court of Chancery made between the two kingdoms in respect of the expediency of such a law (which court Scotland did not possess), he was convinced that it was not advisable to introduce any such measure into the law of England. The present bill did not establish any new principle; but was only brought in for the purpose of removing any doubts about that which was already law in Scotland.

The bill was read a third time and passed.

HOUSE OF LORDS.

Thursday, June 23.

JUDGES' SALARIES BILL.] The Earl of *Liverpool*, in rising to move the second reading of this bill, said it was one of several bills relating to the same subject, and which he would move should be read separately. The first bill which he should notice was one for abolishing the sale of offices in the court of King's-bench, it being thought more advisable that a regulated salary should be given in lieu of all emoluments whatever. At the same time, the bill made provision for existing vested interests, while it abolished not only all sale of offices, but all sinecures prospectively. The main object was, to do away with fees altogether, and to give salaries to the judges suited to the duties they had to perform. The chief justice of the King's-bench was to have 10,000*l.* a-year; the chief justice of the Common Pleas 8,000*l.*; the chief baron of the Exchequer 7,000*l.*; the master of the Rolls 7,000*l.*; and the Vice-chancellor 6,000*l.* With respect to the puisne judges, it was obvious that they ought to be remunerated according to the rank they had to sustain, and therefore 5,500*l.* a-year was deemed an adequate provision. It was necessary to look for persons to fill the situation of judges who had a respectable business at the bar, and who were not too far advanced in years to discharge the important duties that devolved upon them.

The Marquis of *Lansdown* said, he approved of the bill, as it did away the sale of offices, which, as a mode of paying the judges, he thought very objectionable. It tended to affect the situations of those eminent officers, and the better plan certainly was, to give them a simple salary. Another great object provided for by this bill was, to raise the salaries of the puisne judges to an amount adequate to the rank they held. But, upon this point, he had heard different opinions expressed; for it was thought by many, that by this bill the salaries were somewhat too low, and the retired allowances were somewhat too high. A principal consideration should be, to induce the most distinguished lawyers to accept those situations freely, by rendering it worth their while to do so. At the same time, it was not proper that any office should be over-paid; for, in that case, it became an object of political solicitation; the effect of which was to degrade the office, instead of raising it in the public estimation. He found it asserted in a work, published some time ago by M. Cottu, a French writer, that the government of this country were inexorable in demanding the most precise political opinions from those who were appointed as judges. If this was so, it was a great misfortune; and though no such subserviency was observable in the conduct of the judges, yet their lordships must see, that to hold out high inducements tended to it. With respect to the Welch judges, the object seemed to be, to make them entirely dependent on the government, or on parliamentary influence; than which nothing could be more improper. The salaries they received were low, and their numbers were large, while the individuals themselves were always left open to political temptation. He did not know why, when a general system of assimilation was pursued in the collection of the Customs and Excise, and in all regulations for trade, that the same principle should not be extended to the judicature in Wales. It could not be advisable, that justice in the remote provinces should be different from justice in the capital. The bill passed last session, for regulating the Welch judicature, had been completely inefficient. More than one-half of the business at Carmarthen at the last assizes had been left undone for want of efficient means for executing it. This was an additional reason why their lordships should take the state of the judicature in Wales into their consideration.

Lord *Ellenborough* thought this bill altogether inefficacious for the ends proposed. With respect to fees, those in the office he held, which was the highest in the court of King's-bench, were as small now, if not smaller, than they were two hundred years ago. He denied that this bill provided an adequate remuneration for the chief justice of the court of King's-bench. The higher offices in that court had never been sold; though, as there was no objection to the sale of an advowson to a living, there ought not, in his opinion, to be any objection to the sale of a ministerial office. There could be no reason for lowering, as this bill did, the proportion which the salary of the chief justice had previously borne to the salaries of the puisne judges. It was desirable, in many instances, that the chief justice of the court of King's-bench should be a member of that House; but no man could in prudence accept a peerage who had only a salary of 10,000*l.* a-year to depend upon, independently of what he might have saved, which could not be very considerable. The remuneration of the chief justice, according to the existing system, was in proportion to the business done in his court; but, by the new arrangement, there was no inducement to exertion; and though he was far from supposing that this consideration would operate with the present distinguished head of that court, it might have its effect upon his successors; the consequence of which must cause business to get into arrear, and call for an addition to the number of the judges. The puisne judges received 5,500*l.* a-year salary, and 3,500*l.* pension; while the salary of the chief justice was only 10,000*l.* a-year, and his pension 4,000*l.*; which was by no means in proportion to the provision made for the puisne judges. He thought all these bills had been got up in a very clumsy manner, and that the advantage which the public would derive from them would be inconsiderable and remote.

The Earl of *Liverpool* explained, that after the passing of the bill, no office was to be sold; but it was never intended to have a retrospective effect on those offices which had already been sold. There were two modes of proceeding in dealing with vested interests: they might be bought up, or they might be allowed to expire. Either of these was equally just; but if the government had bought up these vested interests, it might have given rise to many disputes. It was therefore thought better to allow these interests to expire. As to the salary of the judges, it was the general feeling of the country that they should not be rewarded by the sale of offices. That mode had, indeed, been sanctioned by long practice, and he would not say it was wrong at the time it was adopted; but now, when the courts were to be re-modelled, it was the general opinion, in which he concurred, that the judges should not be paid by the unseemly practice of selling offices. As to what the noble lord said about the salary of the chief justice, the question was, what could be considered as a fair remuneration for the chief justice, taking into consideration the dignity of his office, and the duties he had to perform? And he thought 10,000*l.* a-year not too much; but he also thought, with the patronage still attached to it, that this sum was sufficient. When he looked also at the labours of the puisne judges, and that they had to go circuits twice a-year, he could not think that their salary of 5,500*l.* was too much. He agreed, that these offices should not be over-paid; but he did not think this sum was more than sufficient to induce the best class of barristers to accept the situation, and enable them to maintain the respect due to their rank.

Lord *Cawdor* rose to complain of the little which had been done to remedy the evils of the system of Welch judicature. As long ago as 1798, the House of Commons had recommended that the number of the Welch judges should be decreased, and their salaries increased.

The *Lord Chancellor* expressed his satisfaction, that the sale of places in the courts of law was now to be prohibited. He was convinced, that it was far better, in principle, to pay the chief justices by a fixed salary. Not that he supposed that the chief justices had ever made an improper use of this power to dispose of offices: he was convinced they had not; but it was proper that the people should be satisfied they had not; and they never would be satisfied of this, as long as the chief justices had any such power. It was necessary to keep the administration of justice clear of all suspicion. There was another reason why he was pleased with the abolition of the sale of offices. It often happened, that those who purchased offices opposed reforms in the courts, because they might operate to their prejudice. He believed that every chief justice was above attending to a consideration of this nature; but it was of importance that the public should be satisfied that they were, and there was no better way of accomplishing this, than by abolishing the sale of all offices. As to the puisne judges, they had done their duty, and he believed always would do their duty, though their salaries were ten times the amount. The great security for good conduct in the judges was, that the public view was constantly cast on them. Their lordships would, he thought, commit a great mistake were they to be niggardly in rewarding them. At present, gentlemen at the bar, who were only third-rate lawyers, gained, and deservedly gained, more than the salaries of the puisne judges. He put it, therefore, to the good sense of their lordships, if the puisne judges should not be so paid as to enable the government to select them from among the gentlemen who were eminent at the bar. If they did not pay them well they would narrow their choice; and no man of eminence, while he was able to go through the fatigue of a barrister, would accept the situation of a puisne judge. As to the abolition of all sinecures, he was as desirous as any one among them for all sinecures to be abolished. The office which he had himself coveted most, and from which he had afterwards retired, namely, that of chief justice of the Common Pleas, did not produce him one-third of the income he received while at the bar; and he could assure their lordships, that the office of chancellor of England did not produce one farthing more at the present day than it did upwards of a century ago. As for the offices in his gift, he should only say, that he was more sparing in the exercise of that privilege than many of his predecessors. It was only justice to the Welch judges to say, that where there was one writ of error from them, there were a hundred from the English judges, badly as they were paid.

The bills were then severally read a second time.

HOUSE OF COMMONS.

Thursday, June 23.

Expulsion of Mr. Shrewsbury, the Missionary, from Barbadoes.] Mr. *Fowell Buxton* rose, and addressed the House to the following effect:—

I rise to state the case of Mr. Shrewsbury, a Wesleyan Missionary; and I have, as it was my duty, revolved in my mind, in what way I could bring the matter forward, at once favourably to the cause itself, but with the least possible demand on the patience of the House; and I have concluded, that it is my duty to confine myself very much to a matter-of-fact detail; to give you a plain, dry, abstemious narrative of the events, in the order in which they occurred, leaving those events to speak for themselves—as they do, indeed, pretty loudly. And, as I shall endeavour to spare the House all extraneous matter, so I hope they will permit me to put them in full possession of the facts, and to give them a history—and a remarkable history it is—of the events which occurred in Barbadoes.

I now proceed, without preface, without apology, without even remarking—what, indeed, is too obvious to remark—the immeasurable difference between the mode in which this question will now be brought forward, and the manner in which a similar question was introduced last year, by my hon. and learned friend, the member for Winchelsea.

Mr. Shrewsbury was, for some time, a Methodist minister in England; and conducted himself entirely to the satisfaction of those with whom he was connected. In the year 1816, he was sent as a missionary to Tortola. He remained there two years; and on his departure, Mr. Porter, then senior member of Council, now president of the island, presented him with this testimony:—

"I do hereby certify, that the Rev. William Shrewsbury, a preacher in the Wesleyan connexion, resided in this island for about two years: during which time, his conduct was such as entitled him to the respect of this community.

"Geo. R. Porter,
"*Tortola*, One of His Majesty's Council
April 7, 1818." for the Virgin Islands."

In 1818, Mr. Shrewsbury went to Grenada. After he had been there somewhat more than a year, he applied to the governor, major-general Rial, for his private subscription towards the erection of an enlarged chapel. This is his answer, through the hands of his secretary, colonel Wilson. It contained a check for sixty-six pounds, the government donation, and the ten pounds, the donation of colonel Wilson; and concluded with these words:—

"In making this communication to you, I am likewise desired to convey to you his excellency's appprobation of your general conduct, during the time you have resided in this government; and particularly of the mild and temperate manner which has marked the exercise of your religious duties.

"J. Wilson, Lieut-colonel,
Secretary."

Mr. Ross, of Clarke's Court, Grenada,—than whom, I understand, there is not a more respectable man in the West Indies—the proprietor of one large estate, the manager of twelve others, and having under his superintendence a body of between two and three thousand negroes,—having daily opportunities of witnessing Mr. Shrewsbury's conduct while in that island, thus wrote of him, in a private letter, at the time:—"Mr. Shrewsbury is a superior man, who would do honour to any church or society of christians." This same Mr. Ross happened to be in England, when the news arrived of the disturbances in Barbadoes, and he had the generosity to write this testimony:—

"Having had an opportunity of becoming intimately acquainted with Mr. Shrewsbury during his residence in Grenada, whence he went to Barbadoes, I can with great truth testify, that I never knew a more pious or a better man. Possessed of natural cheerfulness of temper, and without any thing of austerity or moroseness in his manners, he discharged the duties of his profession with zeal and assiduity, and acquired the good-will and esteem of the whole community; and it was to the great regret of all who knew him, that he was taken from us. I believe Mr. Shrewsbury to be incapable of doing an injury to any human being; and I am convinced he was eminently useful as a christian minister, both among the free people and the slaves, in the island of Grenada."

Mr. Shrewsbury had devoted himself laboriously to the improvement of the negroes, and with the best effects. Instruction was gaining ground; marriages became more frequent; the marriage tie was held more sacred; a more orderly and moral deportment was observed among the negroes; and, in short, many of those changes so much desired by this House—so ardently looked forward to by the people of England—but not more ardently, I feel it but justice to say, than by many benevolent and respectable planters, followed his ministry. But, while he had devoted himself to the improvement of the negroes, he had won the confidence and esteem of the planters; and left the island with the love of the slaves, the approbation of the masters, and universal testimonies of regret at his departure.

In 1820, Mr. Shrewsbury went to Barbadoes; and, I must explain why he was sent there. A spirit of fierce religious persecution has long prevailed in that island. The papers laid on the table of this House, in 1802 and 1805, give painful demonstration that it existed then: and it will appear but too clearly, before I sit down, that the same spirit prevails, or rather rages, at the present moment. If the mission which had been established was to be continued, and a new missionary sent, it required a man possessing great, but opposite qualities—great prudence, or he would do too much in the eyes of the planters—great zeal, or he would do too little for the slaves—great fortitude, a deep impression in his own heart of the paramount importance of the duties he had to discharge:—without these, he would assuredly have been crushed by the opposition he was certain to encounter. But, withal, he must be a man of a meek, quiet, uncontentious spirit—calculated, by his gentleness, to subdue and soften those unfortunate jealousies and prejudices. These were his qualifications. And, besides, it happened accidentally, but most fortunately, that he was in some degree a West-Indian, both in feeling and connexion. He is married to the daughter of a West-India planter; and is thus, in some degree, linked to the West-India interest. He was any thing, rather than a warm partizan of the Abolitionists. I know he was subsequently accused of being an agent of the "villainous African Society," and particularly of corresponding with me; and I understand that persons in the West Indies, who ought to be respectable, have asserted, that they have seen letters from him to me, and from me to him. My answer is—I never received or wrote a letter to him in my life—that I did not know that such a man existed in the world, until I happened to take up a newspaper, and there read, with some astonishment, that he was going to be hanged for corresponding with me.

And here it may be as well to state—it may allay jealousies—that with the missionaries in the West Indies—church of England, Wesleyan, Moravian, or London society—I have had no communication. Indeed, I was told by one of the heads of those societies in England, when I first broached the subject, that though they agreed with me, and their feelings were mine about slavery, yet, standing in a peculiar situation, and trusted with the confidence of many of the planters, they did not feel justified in furnishing me with any culpatory intelligence. I blame them for this. I think they ought to have told the truth, whether it made for or against the system. But, I think it hard that they should be blamed by me and my friends for saying nothing, and blamed more severely by other parties, for saying a great deal too much.

But, to proceed. In this peculiar predicament, and wanting a man of such peculiar qualifications, the Wesleyan missionary society selected, from the whole body of their ministers, for this arduous and difficult post, Mr. Shrewsbury. And, during the whole time he remained in Barbadoes, he justified their choice—exhibiting the same moderation, forbearance, discretion, abstinence from all political interference, which become a minister of religion at all times and in all countries, but which are the indispensable qualifications of a minister of the gospel, placed in circumstances so difficult, and having to tread so narrow a path, as that which is chalked out for a pastor of slaves in a society of planters. I shall be able to show, by indisputable documents—such documents as satisfied the governor of St. Vincent, with whom Mr. Shrewsbury found an asylum, and who was bound to ascertain his innocence, before he permitted him to preach in his government—by documents which will convince every man of candour,—that, during the whole time he exercised his ministry in Barbadoes, he exercised the same discretion, and forbearance, and silence upon slavery; and preached nothing to the negroes, but obedience and fidelity to their masters.

But, this point will not be disputed. I say so confidently; because, his enemies have ransacked his life, private and public, in order to find, if it were to be found, some excuse for their cruelty towards him. They have found nothing: and he stands delivered over to universal execration, and under sentence of banishment—but, uncharged with any offence in his conduct, his conversation, and his doctrine.

In February 1820, Mr. Shrewsbury went to Barbadoes. In the March following, he wrote home, as he was required to do by the rules of the society to which he belonged, stating the condition in which he found his congregation. A painful description no doubt it was, and must have been, if he spoke the truth; but, in that letter I find nothing harsh, nothing exaggerated, nothing sarcastic. Now, it may be said, and probably, as my hon. friend, the under secretary for the Colonial department, has nothing else to say, he may maintain, either that that letter ought not to have been required from him—or, being required, he ought not to have sent it—or being sent, it ought not to have been published. That is a doctrine which can be maintained by no member of this House; but, least of all, by the hon. secretary; for it so happens, that lord Bathurst, the whole body of the clergy in the West Indies, and this House, have done precisely the same thing. In 1816, lord Bathurst addressed a circular to all the clergy in the West Indies, requesting to know the moral and religious condition of the negroes. The clergy sent their answers—true, no doubt; but containing statements infinitely more affronting to the planters, and more mournful to every friend of humanity, than any thing which is to be found in Mr. Shrewsbury's letter; and these answers were published by this House. So that, if it be said, such information ought not to have been asked—lord Bathurst asked it: or, that it ought not to have been given—the whole body of the West-India clergy gave it: or, that it ought not to have been published—the House of Commons published it. In point of fact, however, this letter had nothing to do with subsequent events. It was not heard of in the colony for three years, even by Mr. Shrewsbury; and was only raked up at last, when an excuse was wanted for a persecution.

Mr. Shrewsbury remained in the Island three years and three quarters. During the first three years and a half, he had to endure the common lot of a methodist missionary—some persecution, or, if that be too hard a term, some annoyance, some detraction, some bitterness of spirit, evincing itself in petty insults. For example: some of the gentry of Barbadoes felt it to be their duty to walk into his chapel on Sunday, during the time of service, with their hats on, whistling a tune, and keeping time to their own music, by drumming against the benches. In short, something of that little pitiful, spiteful, ignominious warfare, with which men of paltry minds love to vex those whose stricter lives are a comment and a reproach to their own. Of all this I make but little. The man who undertakes the high character of a missionary must be prepared for trifles of this kind: his is an office, than which none is more truly honourable; but, before he embraces it, he should count the cost, and remember that, accepting it, he must be prepared to accept also pains and perils abroad, shame and contempt at home. For these slight insults Mr. Shrewsbury had full compensation, in an increasing and improving congregation—in a very large school for mulatto and negro children—in the favour of several respectable planters—and in the approbation of the clergy; from many of whom he received at all times, but more particularly in the moment of trial, demonstrations of kindness, which ought not to be forgotten.

In June 1823, a fiercer spirit of persecution arose. Mr. Shrewsbury was publicly accused in the streets, in open day, as a villain; and this, as he says, not by the mere rabble, but by the great vulgar—merchants from their stores, and individuals in the garb of gentlemen. He was assailed in the newspapers, under the name of "Mister Rueful;" and his antagonists were under the necessity of bearing testimony to the purity of his conduct. "Look at his actions," they say; "hear his sermons, and you would say the man is a saint"—a saint, not in the sarcastic sense in which it is applied to certain members of this House, who would be very well pleased to bear the name, if they did but deserve it—which they do not: but, in its true sense. "Observe him, hear him" they said, "and you will think him a saint; but, under this garb of sanctity, by his praying, preaching, and teaching, he is undermining the West-India interest; and is very little better than an enemy of slavery." He bore this, as his religion taught him to bear it, with the utmost humility. "I was as a deaf man, that heard not," is his own true description of his behaviour.

On Sunday, October the 5th, 1823, riot the first took place. A large concourse of persons assembled round the chapel, for the avowed purpose of disturbing the congregation. They came provided with a number of thin bottles, filled with oil, assafœtida, and aquafortis, prepared, as there is every reason to think, at the shop of one of the magistrates, who is a chemist and druggist. These bottles were suddenly discharged into the midst of a congregation of some hundreds of females. One of them was aimed at Mr. Shrewsbury's head, and narrowly missed its mark, but wounded another man. A second was wounded in the shoulder; and one of the bottles discharging its contents on the bosom of a mulatto female, burnt her severely. A lawyer, Mr. Newsome, chose his decorous station on the railing of the communion table, and cheered and encouraged the rioters. Two sons of the Magistrate and Chemist were seen conspicuously active. Upon this discharge, the utmost confusion arose. The females were greatly alarmed; and, in point of fact, one third of the congregation ran away. The preacher retired into the vestry, in order to protect his wife, who was near her confinement. Having placed her in security, he began to shew somewhat of the manliness of his character. He returned to the chapel, re-ascended the pulpit, and, amidst the rattling of stones without and almost suffocating heat within, the windows being closed, resumed and concluded the service.

The next day, he offered a reward of thirty pounds for the detection of any of the rioters: but no one came forward to give evidence; and he soon found, that the interruption met with general approbation. Passing by the shop of a considerable merchant, where a number of gentlemen were collected, he was assailed by such remarks as these—"Serve the fellow right." "They ought to have gone and pulled the fellow from the pulpit." And a magistrate, who was also senior member of the Council, told a person of credit, that "if a sufficient number would join him, he would go and pull down the chapel at noon-day." The name of this magistrate is Mr. Haines. I mention it, not only to do him honour, but for the purpose of remarking, that persons in a higher station of life were the real instigators of the events which followed; and for the purpose also of stating, that this same Mr. Haines continues a magistrate, and, as a magistrate, is the protector of the negroes, the dispenser of justice to the mulattoes, and the guardian of the public peace. How he acted in these capacities will presently appear.

On the Wednesday evening, Mr. Shrewsbury had his usual week-day service, and experienced somewhat of the same kind of disturbance; but not to the same extent. On the Friday, which is kept in Barbadoes as a fast-day, in commemoration of the great storm of 1780, the good joke which we heard from all quarters was, "While you are preaching of the storm within doors, you shall have a storm without." And a storm he had; but not a severe one. I, therefore, pass on.

On Sunday, October the 12th, while Mr. Shrewsbury was preparing for service, one of his congregation came to him privately, and stated that something desperate was intended that day. He, however, determined to proceed. He went down to the chapel: and, I will tell you, in his own words, what he saw—

"As I came down from the dwelling-house, and entered the side-door of the chapel, the sight was really intimidating. Without the chapel, and through the whole length of the street, there was an immense concourse of people, some breathing out threatnings and slaughter, and others merely lookers-on: within the chapel, besides a fine congregation of my regular and serious hearers, there were planted all around the pulpit, and by the pulpit stairs, from twenty to thirty of the gentlemen-mob, apparently ready for any mischief, when those without should make a beginning. Just as we arose from prayer, two men, wearing masks, and having swords and pistols, came galloping down the street; and, presenting their pistols opposite the door, they fired; but only one pistol went off, and that discharged its contents, not within the door amongst the congregation, but without, beside the window, so that the men planted round the pulpit were completely disappointed: for it seems the design was to have fired crackers amongst the females, to set their clothes on fire; when an advantage would have been taken of the confusion, to have wreaked their vengeance on me."

It so happened, that two officers were at the chapel that evening, and their servants were holding their horses outside. These men, having none of the feelings of true Barbadians, but feeling as every Englishman would feel under such circumstances,—and as I trust we shall shew by our vote to-night that we feel—thinking that the authors of such an outrage ought not to be unpunished, pursued them and put them to flight. This spirited attack disconcerting their intention of returning, prevented mischief, and possibly saved the life of the missionary. As it was, the awning of the window burst into flames. A cry of fire was raised without. The mob of gentlemen within were ready; when one of the members, with great presence of mind, ran in and said, "Do not be alarmed: it is only a cracker." Tranquillity was restored; and Mr. Shrewsbury finished the service.

And now I must tell you of whom the mob consisted. Not a negro—not a mulatto. It consisted of planters, merchants, and traders. Mr. Shrewsbury has given me an apt illustration of their quality, by saying, "Divide the whole population into four parts—these were the second and third— neither the very highest nor the very lowest."

You will suppose that, by this time, the magistrates remembered that they had a duty to discharge—saw that the disturbance began to wear an alarming aspect, and interfered. One of them did interfere. He summoned Mr. Shrewsbury before him—not, however, to state the nature and circumstances of the riot, or to identify the rioters—but, as an offender himself, for not having enrolled himself in the militia. From which, and from all military service, he, being a licensed minister of religion, is exempt, under the Toleration act: but, it was imagined, that that act, not being specially mentioned in the Militia act, did not extend to Barbadoes. Availing himself, therefore, of this pretext, the magistrate summoned Mr. Shrewsbury to a public meeting, where he knew that, if he had attended, he would be torn in pieces by the mob. The name of this magistrate is Mr. Moore.

On Wednesday, the 15th, Mr. Shrewsbury determined to hold his usual service; but, so large a concourse of persons assembled, and their conduct and language were so alarming, that he was glad to escape to the house of a relation; and he never after returned. But, in order to shew how planned and organized the whole thing was, a party of gentlemen galloped down from the race-ground at seven o'clock, drew up in front of the chapel, and, seeing the windows and doors closed, cried out, "the coward has fled; the coward has run away;" and retired, amid the plaudits of the mob.

The next day, Mr. Shrewsbury waited on the governor; and, as there is some slight immaterial difference between the report of the governor and of Mr. Shrewsbury, as to what took place at that interview, I shall follow the version of the governor, in all points in which they differ. After introducing himself, Mr. Shrewsbury said, "My congregation are not suffered to worship God in peace." The governor advised him to apply to the magistrates: meaning, but not stating, that if they did not do their duty, he would afford him protection. Mr. Shrewsbury said, "There can be no use in applying to the magistrates: they are among the bitterest of my enemies; and nothing can prove it more than this: three years and a half have I been in the colony: I have never been summoned to serve in the militia; but now that the mob are bearing me down, the magistrate, instead of affording me protection, summons me to a meeting, where he knows that if I appear I shall lose my life." Mr. Shrewsbury retired, saying, "In applying to your excellency I have done my duty: I can do no more." But the governor, it seems, still thought that he would apply to the magistrates. That is his apology: and, let it pass for an apology. I understand that the governor is a very respectable man, and wishes to perform his duty: but, he is placed in circumstances, in which any man might be embarrassed and overawed. Besides, he was very unpopular at that time: and the cause of his unpopularity is remarkable. A planter, named Best, had, a short time previously, flogged a negro to death. He absconded, and a reward was offered for his apprehension. Another planter, secing a woman plucking a few handfuls of guinea-grass, fired at her. The ball lodged in her back; and she died. He left the island, and a reward was offered for his apprehension. A white man was found dead in a wood. He was a man of dissolute and drunken habits; and the governor, thinking he had fallen a victim to his own intemperance, offered no reward for the apprehension of the murderers; upon the very intelligible ground, that he did not think a murder had been committed. This gave great offence. It was said, "Here is notorious partiality—a slave or two are unfortunately killed, and a reward is offered; but now one of our own body, a white man, is found dead, and no reward is offered for the perpetrators of his death"—the perpetrator being, in all probability, the rum-bottle. The governor was unpopular—he could do nothing; at least, he thought so. He treated Mr. Shrewsbury very kindly; said, "I am extremely sorry for you—I wish you well—I have been abused more than any man in the colony—and the arm of protection extended to you would be represented as an arbitrary act," says the governor—"an act of tyranny," says Mr. Shrewsbury. And that is the most material difference between them.

Mr. Shrewsbury did not apply to the magistrates. And, as this is the only occasion in which there is any pretext for charging him, even with an error of judgment, I shall inquire whether he ought to have applied to the magistrates. To which of them should he have gone? To Mr. Haines, who said he would lead the way, and pull down the chapel at noonday? To Mr. Moore, who summoned him before the court, where to appear was to perish? To the magistrate, at whose shop the bottles were prepared? To Mr. Newsome, the lawyer, or to Mr. Walton, jun., of whom I will say something presently? To address himself to these, was to address himself to the bitterest of his enemies. And, if it be pretended that, had he gone to them, he would have received protection, I answer distinctly, that it is clear he would not, for this reason—they afterwards, by their own confession, knew that the mob had assembled, were pulling down the chapel, and, for aught they knew, murdering the preacher; and their own account of their conduct is, that they went home and went to bed. Now, will it be believed, that those magistrates, who did not interfere when the rioters were in action, would have interfered, from the mere rumour of a riot, coming from so suspicious and obnoxious a quarter as Mr. Shrewsbury?

But, Mr. Shrewsbury *did* seek counsel and assistance: and, he sought it in a remarkable quarter. This fierce sectarian, plotting the destruction of the church, and living in bitter enmity with its professors, went to a clergyman, whose kindness then displayed to a poor friendless missionary, hunted for his life by an infuriated mob, I will now return—by concealing his name; knowing, that if I were to mention his name with approbation, the fate of Mr. Austin of Demerara would await him. There is in the transaction at Barbadoes, as there was also in that of Demerara, that which, of all things, I hate the most—a rank, fierce, furious spirit of religious bigotry, dominant in the land, and pursuing its victims, the one to death, and the other to exile. But, there is that also which does honour to human nature, and casts a glory round that church to which I belong, and which I prefer to all others; namely, that these poor victims—Dissenters, Missionaries, Methodists, though they were—found their best friends and their most faithful advisers, in the ranks of our clergy. Mr. Austin, for the most noble act which has been done in our days, is a ruined and a banished man: and, I spare the name of the other, in order to spare him—the honours, indeed, but—the sufferings of martyrdom.

The clergyman advised Mr. Shrewsbury to apply to the Council—(observe, he did not recommend an application to the magistrates; he knew them)—and, in the interim, he recommended, that the chapel should be closed. Mr. Shrewsbury, in both particulars, followed his advice; though somewhat contrary to his own judgment. He was rather disposed to brave the storm. He determined to apply to the Council, which was to meet in the ensuing week; and, the next Sunday, his chapel was closed, and he, with as many of his congregation as he could collect, attended the established church.

Had matters stopped here, it would have furnished the most perfect sample of intolerance, save the sister case in Demerara, which has been exhibited for many a day, in any part of the British dominions. A riot, Sunday, October the 5th. A disturbance, Wednesday the 8th. A storm, within and without, Friday, the 10th. A very serious riot, Sunday the 12th. A public and most alarming commotion, Wednesday the 15th. And, by Sunday, the 19th, the chapel closed, the preacher fled, his congregation dispersed, or collected within the walls of the church. No interference on the part of the military—no protection from the magistrates—no succour from the governor—no symptom that there was such a thing as law in Barbadoes! Had it stopped there, it would have deserved, indeed, the name only of a riot—but, a riot of the worst spirit; and, considering *where* it was; in the heart of a negro population—*when* it was; at the moment when the minds of the negroes were agitated by rumours of conceded liberty, a riot of the most dangerous kind.

But, subsequent events cast all these transgressions into the shade. Hereafter it assumed a new form, and exhibited a contempt of law, a defiance of authority, which changes the name and the character of the transaction. On Friday, the 17th, a Secret Committee had met, and issued a circular, which, for distinction's sake, I will call "Proclamation the First." It states, that the gentry and inhabitants of Barbadoes had determined to meet, on the following Sunday, for the purpose of pulling down the Methodist chapel; and it invites the person to whom it was addressed to appear in his place, properly provided. The proclamation had its effect. They met. And I must now tell you, of whom they consisted. Not a negro amongst them—one mulatto, and only one. And, in order to shew the feelings of the coloured population, on whom the safety of the colony, in a great measure, rests, and to offend whom is to risk the safety of the island, it is only necessary to state, that though they behaved with the most perfect propriety, have never repelled force by force, or outrage by outrage; yet, so sensibly have they felt this insult, that no one of them has held any intercourse, or exchanged a single syllable, with that man of their number, who joined the rioters. It consisted of whites, and was headed by persons of influence.

And now, as to their numbers. "It consisted," says the governor, "of an immense concourse of persons." "It consisted," says an eye-witness, a planter, an enemy of Mr. Shrewsbury, "of a thousand head-strong fools." Whether they were or were not head-strong fools, I leave the House to judge; but, I doubt whether they amounted to a thousand. Mr. Shrewsbury, with that indisposition to exaggerate, which has marked all his communications with me, says, that he thinks that the numbers have been exaggerated—that they did not exceed four or five hundred; part of whom came provided with implements to pull down the chapel, and part armed with swords to resist the military. That they were thus armed, I state; first, on the authority of Mr. Shrewsbury; but, secondly, on the better authority of the planter I have alluded to; who says, "I am just returned from witnessing the effects of an infuriated mob of head-strong fools, so desperate, that they had determined to resist the military." And the governor puts it out of all question, by saying, "the chapel was pulled down by an immense concourse of persons, many of whom were armed." They broke open the windows and doors of the chapel, destroyed the benches, pews, and pulpit, and tore and trod under foot, a large collection of bibles and tracts, intended for the use of the negroes and the school. They then stormed the dwelling-house, destroyed every article of furniture, chopped in pieces the tables and the chairs, unroofed the house, and, making a flag of his linen, which they had collected, waived it in the air three times, gave three cheers, and, it being now twelve o'clock at night, and they having been occupied laboriously for five hours, they adjourned until seven o'clock the next evening. At that time they met, according to appointment, in the same number, with the same spirit, with the same discipline, and completed the demolition of the chapel. "High-handed Work," says the editor of a colonial paper—"High-handed Work" he heads his article—"the Methodist chapel in Bridge-town has shared the fate of the temple of Jerusalem—not one stone is left upon another." The victory being thus obtained, nothing remained but to announce it in due form. And, accordingly, announced it was the next day, in these terms:—

"Great and signal Triumph over Methodism, and total Destruction of the Chapel!!!

"*Bridgetown, Tuesday, Oct.* 21, 1823.

"The inhabitants of this island are respectfully informed, that, in consequence of the unmerited and unprovoked attacks which have been repeatedly made upon the community by the Methodist missionaries (otherwise known as agents to the villainous African Society), a party of respectable gentlemen formed the resolution of closing the Methodist concern altogether: with this view they commenced their labours on Sunday evening; and they have the greatest satisfaction in announcing, that by twelve o'clock last night they effected the total destruction of the chapel.

"To this information they have to add, that the missionary made his escape yesterday afternoon, in a small vessel, for St. Vincent; thereby avoiding that expression of the public feeling towards him, personally, which he had so richly deserved. It is to be hoped, that, as this information will be circulated throughout the different islands and colonies, all persons who consider themselves true lovers of religion will follow the laudable example of the Barbadians, in putting an end to Methodism and Methodist chapels throughout the West Indies."

The next day, the governor issued his proclamation, offering a reward for the detection of the rioters; but, the intreating, almost supplicating language, in which it is couched, clearly proves that the mob were masters. The real tenor of it is this: "Pray, gentlemen, recollect yourselves. If you are pleased thus to pull down the houses and chapels of the teachers of the negroes, who can tell but that the negroes may follow the example, and pull down your houses?" Having thus, as he hoped, seduced the more respectable into a belief, that, upon the whole, it were as well, for the sake of example, not to pull down innocent men's houses, he ventures to offer a reward for the apprehension of the offenders, and ends in the usual form, "God save the King!"

The next day, the rioters put forth a counter-proclamation, mimicking that of the governor, beginning "Whereas," &c. and ending "God save the King and the People." But, if they mimicked the form, they by no means attempted to imitate the very humble strain, in which the governor's was couched. Bold defiance of the law—vengeance, desperate retaliation against any who might dare to inform—a boast, that they had done the deed, and would do it again, if opportunity occurred—a boast, that perjury would protect them, is the bold tenour of Proclamation the Third. It runs thus:—

"*Bridgetown, Barbadoes, October* 23, 1823.

"Whereas a Proclamation having appeared, &c. &c., public notice is hereby given to such person or persons who may feel inclined, either from pecuniary temptation or vindictive feeling, that should they attempt to come forward to injure, in any shape, any individual, they shall receive that punishment which their crime will justly deserve." [That is, obey the laws, assist the governor in this emergency, act the part of a good citizen, and you shall receive the punishment due to that crime.] "They are to understand, that to impeach is not to convict, and that the reward offered will only be given upon conviction; which cannot be effected whilst the people are firm to themselves:" [that is, "impeach you may, convict you cannot; for we shall be the jurymen, and firm to each other—bring the rioter to trial if you please—make his guilt as clear as the sun at noon-day—an association stronger than the laws, which laughs at the obligation of an oath, and converts the jury-box into the worst engine of political oppression, will screen the offender. He shall escape, but you shall stand in his place—the governor tells you, that you shall receive a reward of 100*l.*; but, we tell you, that you shall die the death which your crimes have merited."] "And whereas, it may appear to those persons who are unacquainted with the circumstances which occasioned the said proclamation, that the demolition of the chapel was effected by the rabble of this community, in order to create anarchy, riot, and insubordination, to trample upon the laws of the country, and to subvert good order:—It is considered an imperative duty to repel the charge, and to state; firstly, that the majority of the persons assembled were of the first respectability, and were supported by the concurrence of nine-tenths of the community:—secondly, that their motives were patriotic and loyal, namely, to eradicate from this soil the germ of Methodism, which was spreading its baneful influence over a certain class, and which ultimately would have injured both church and state. With this view, the chapel was demolished, and the villainous preacher, who headed it and belied us, was compelled, by a speedy flight, to remove himself from the island. With a fixed determination, therefore, to put an end to Methodism in this island, all Methodist preachers are warned not to approach our shores; as, if they do, it will be at their own peril. 'God save the King and the People.'"

The moment I read this proclamation, I said, "This is of Irish extraction: it is captain Rock gone over to the West-

Indies: it is his language, and his mode of persuasion." But, I did not dream, that the resemblance which I discovered was designed. It was, however: for the next proclamation came out with the signature of "Captain Rock." When the governor saw this proclamation, he asked the council what he should do? and they answered, "Nothing at all"—and, nothing has been done.

I now follow Mr. Shrewsbury. He had retired, on the Wednesday, to the house of a relative. On the Sunday evening, he received information, that the mob declared, that as soon as they had finished the chapel they would proceed to the house of his relation, search it, and, if they found him, hang him. Having no reason to doubt that they would be as good as their word, he retired to a house at a short distance from the town, and nearer the sea. His wife, who was not in a condition to move, was concealed in the hut of a negro. In the middle of the night, some horsemen gallopped up to the house which he had left, crying out, "Down with the Methodists! down with all the Methodists!" but no attack was made.

The next morning, Mr. Shrewsbury received communications from many of his friends; all saying, "leave the island without a moment's delay: no man's life was ever in greater danger: the rioters are in search of you; and if they catch you, will undoubtedly put you to death." Upon this intelligence, taking his wife with him, little as she was in the condition to move, he embarked on board a small vessel, and sailed for St. Vincent's. In the passage, his wife was taken ill; and was delivered shortly after her arrival at St. Vincent's.

And this brings me to a part of the conduct of Mr. Shrewsbury, which I cannot mention with sufficient admiration; especially as contrasted with that of the rioters. One might suppose that, by this time, their rage was cooled. The chapel was down—the preacher fled—and they had destroyed every shilling of the man's property. One might have thought, that they would have felt if not remorse, at least weariness—satiety—that amnesty which follows gratified revenge. They did not. They published their manifesto, glorying in what they had done, regretting only that he had escaped with his life, and vowing vengeance against Methodists and Methodism. It would have been but natural, I say, if their wrath had, by this time, evaporated; and natural also, if Mr. Shrewsbury's passions had been roused and exasperated, by the treatment he had received. A sense of his wrongs and of his innocence—the loss of every shilling of his property—the destruction of his chapel—the extermination of his mission—I say, it would have been but human nature, if these bitter recollections, rushing upon his mind, at the moment of his leaving, had driven him, as oppression driveth a wise man mad, so far to forget himself, as to pour forth execrations upon the head of his tormentors. He did write a letter: and, such a letter!—not an angry word in it—not a complaint—not an unmanly lamentation—no attempt to stir up the passions of the negroes. He just glances at his sudden departure, and then leaves that irritating topic. He expostulates with the negroes. Admonishes them to avenge his sufferings? No: but to peace, tranquillity, obedience, and cheerful submission. This is part of the letter:

"Be patient towards all men. Never speak disrepectfully of any in authority, nor revilingly of any one who injures you. Whatever you are called to suffer, I beseech you to take it patiently. In general, it will be best for you to be wholly silent. From the affection you bear towards me, you will, perhaps, find it difficult to refrain when you hear me spoken against: but your wisest plan will be to hold your peace, for you would be in great danger of speaking with undue warmth, were you to undertake to defend my character. You that are slaves will, I hope, be exceedingly careful 'to adorn the doctrine of God our Saviour in all things.' Let no slave who is a Methodist be dishonest, or lazy, or impertinent either in speech or behaviour: but let every one be sober, honest, industrious, and useful to his owner, even as we have taught you both in public and in private, from day to day. And as to political matters, whether ye be bond or free, never meddle with them; but mind higher and better things, the things relating to God and eternity. Never speak slightingly of the regular clergy. In this respect, imitate the example I set you while I dwelt among you."

On Mr. Shrewsbury's arrival at St. Vincent, he applied to the governor, who received him very kindly, but told him, that he considered him as coming under circumstances of suspicion, and that he must suspend him from the exercise of his clerical duties for the present. In consequence, Mr. Rayner, another missionary, went to Barbadoes, in order to collect testimonials. And this gave a new opportunity for exhibiting the spirit which prevails. He was not permitted to land. He learnt, at one time, that it was proposed to burn the vessel; at another, that boats were to be manned from the shore, to drag him from the vessel, and put him to death. And Mr. Walton, jun. whom I mentioned before, then a magistrate, but not now a magistrate;—for he has met with an unfortunate accident: he was one night caught in company with Mr. Newsome, the lawyer, in the act of breaking the windows of a hearer of the Methodists, and, in consequence, ceased to be a magistrate—Mr. Walton came on board the vessel, and gave them a second edition of the proclamation. He warned Mr. Rayner to be gone in four-and-twenty hours, or he must take the consequences. So alarmed was the captain, that he removed from Carlisle Bay, where he had anchored under the guns of a ship of war, and the officers of the vessel went on shore. They waited upon those persons of respectability, who had known most of Mr. Shrewsbury; but such was the terror that prevailed, that many of them refused to give testimonials, saying, their life would be in danger. Others did give some; but, in fear and trembling, and under a pledge of the concealment of the names. I have these testimonials in my hand, nine in number; and they are exactly what one would have expected. "I solemnly declare," says the first, "that I never heard Mr. Shrewsbury utter one word, tending to insubordination." "As to the negroes," says the second, "he was always particular in teaching them their duty to their masters, as part of their duty to God." And they all run in the same strain. With these testimonials Mr. Rayner returned to St. Vincent, and delivered them to the governor. So satisfied was he with them, that within an hour Mr. Shrewsbury received a letter from him, stating, that he was at liberty to preach in any part of his government: and he preached accordingly the next day. Mr. Shrewsbury remained for some time in that island, and is now in England. And, if any thing were wanted to complete the tenor of his character, it is the way in which he speaks of the treatment he has received. He never speaks of the transactions, without introducing every imaginable circumstance of palliation; nor of the actors, except in terms of undissembled charity.

At Barbadoes the ferment continued. They had then time to refer to the paragraph in their second proclamation: "It is hoped, that as this information will be circulated throughout the different islands and colonies, all persons who consider themselves true lovers of religion will follow the laudable example of the Barbadians, in putting an end to Methodism, and Methodist chapels, throughout the West Indies." And, accordingly, they sent a deputation, consisting of from eight to ten persons, to the neighbouring islands, in order to induce them to follow the laudable example of Barbadoes, and pull down the chapels. This commission landed at Tobago, stated their object, and the governor ordered them to be gone in an hour. They landed at Trinidad, the governor ordered them off in five minutes. And, at Grenada, they met with a still more inhospitable reception. The governor sent a body of soldiers to take them into custody, if they landed. They returned, therefore, to Barbadoes, from a very unsuccessful embassy.

In that island things remained very much in the same state. The mob had gained an absolute victory. No Methodist was allowed to preach: no Missionary was permitted to land: and no man was brought to trial for the demolition of the chapel. Month after month elapsed. And now, at all events, you will anticipate, that passion had cooled, and that reason and common sense resumed their sway. It was not so, however. They determined to celebrate the anniversary of the demolition of the chapel, by a similar outrage. They found out, that a respectable coloured woman was a Methodist, and proposed to pull down her house. Now, there is something so incredible in this, that I must resort to my authority. You will find it in the governor's despatch, dated December 2, 1824.

"It was intended and proclaimed most publicly to meet in honour of the anniversary of the destruction of the Methodist chapel, and to pull down a house belonging to a coloured Methodist woman, who held meetings in her house; in consequence of which, I ordered the whole of the military, town-militia, and life-guards, to be prepared and under arms on the evening of the day so proclaimed, and the magistrates to assemble near the spot before dark."

It was "proclaimed most publicly:" and you will like to hear the terms of the proclamation. It beats all the others. It is signed "Rock." It states that the actors in the former scene have formed themselves into "a Committee of Public Safety;" that they have taken the name of "the Worthy." It invites the Worthy to meet "in love and harmony," on the 19th of October, and after dinner to proceed to pull down a house, "where Methodism began again to rear its hideous head." The Worthy are enjoined to come armed, that in case "any of the pest should resist, they might be sent to sleep with their forefathers." They are animated to their enterprise by the memory of the former 19th of October, "a day more dear to true Barbadians than Trafalgar to Britons." The whole concludes with a solemn oath to extirpate Methodism from the Island "by fire and sword. So help us our God!" (Signed) "ROCK."

The governor however, was upon the alert. He ordered out the military; and the 19th of October passed ingloriously. But, let no one imagine, that the governor has resumed his authority, or that the spirit of persecution is extinct, or even asleep. It is as watchful as ever. In April last, the Missionary Society sent some of their number to Barbadoes to rebuild the chapel, with the concurrence of lord Bathurst, and with the concurrence of the hon. Secretary, as appears in these papers. I have seen nothing but the Barbadoes newspapers: but, from them I learn, that they were not permitted to land. The mob again assumed the functions of the governor, and warned them from the shore, under the penalty of death. Lord Bathurst is reviled, in the most unqualified terms. His attempt to afford protection to the Methodists is described as the most "unlooked-for, uncalled-for, absurd, and dangerous measure, ever contemplated by a British minister;" and the right hon. gentleman, the Secretary of State for Foreign Affairs, is not spared. It is said, "the genius of Puritanism has spread its malign influence over the whole Cabinet." I make light of all this. I rate it all as nonsense and idle gossip. But, there is a fact stated, to which I do attach importance. It is stated, that the House of Assembly, who, be it remembered, have never stirred a step to bring the rioters to justice, have moved, at last, and ordered a prosecution against a Methodist woman, who has devoted herself, most virtuously, to the instruction of the negroes, for the crime of holding religious meetings. Here is the paragraph—

"The House of Assembly have ordered a prosecution to be instituted against a mulatto woman, for holding public meetings of this description; whilst his excellency the governor, in compliance with earl Bathurst's instructions, has issued a second Circular to the magistrates, calling upon them to afford every protection in their power, even aided by the military, to the reverend vagabonds above alluded to, which to us has a very portentous meaning, and which may God in his infinite mercy avert!"

Now, can any thing exceed the effrontery of all this? Was there ever such a train and cluster of enormities? Look at it in one view—It is religious intolerance, at its highest point of phrensy; fire and faggot persecution. Look at it in another aspect—it is unblushing contempt of authority, defiance of law, a triumph not merely over Methodism—(that many gentlemen would approve)—but a triumph over the governor there, over the parliament here, and over the feelings of the people of England. Look at the tenor of their proceedings. First, it was but a riot, an ebullition of popular feeling: and, had it subsided then, and had proper atonement been made, it might not have deserved the attention of parliament. But, it wants the poor apology of a temporary excitement. It has raged too long. The same flame which burst forth in 1823 was raging as furiously as ever, at the moment the last despatches left the island. It is a series of riots—a continuity of outrages—a reign which has lasted long, and, if the islanders are to be believed, which shall last for ever, of the most furious and deadly passions.

It was but a riot—it has mounted into an insurrection. I defy any lawyer to deny, that overt acts of rebellion have been committed. The people are invited to attend a meeting to pull down a chapel. They meet, and pull down the chapel—armed to resist the military, and to send any of the "pest" who may interfere "to sleep with their forefathers." Proclamation after proclamation is issued, full of defiance to legitimate authority—breathing the spirit of revolt, or rather of triumphant and predominant rebellion.

Emissaries are sent forth; ambassadors of persecution, to stir up the embers of civil commotion and religious discord in the neighbouring islands. A Committee of Public Safety, on the French plan, is appointed. Captain Rock, on the Irish model, signs the Manifesto. Unoffending men, bearing the passport and safe conduct of his majesty's chief Secretary of State for the Colonies, are not permitted to land in them. And, so little of penitence is there, that the day of Mr. Shrewsbury's sufferings is dedicated to triumph, as a day "more dear to true Barbadians, than Trafalgar to Britons." These tumults, these concerted meetings of armed men, to do a lawless act—which act they do—these proclamations, embassies, committees of public safety; and, above all, this act of outlawry, putting the king's liege subjects out of the king's peace—I want to know what all these amount to. And I want to know this from the right hon. gentlemen opposite. I beg to ask them—Do they amount to contumacy? Ask anybody else—One man will tell you, they amount to stark-staring rebellion. Another, desirous to palliate to the uttermost, will say, that they are very little more than the most daring riot and mutiny that ever was heard of. But, will any man say they are not contumacy?

Now, the right hon. gentleman, the Secretary of State for Foreign Affairs, once told us, that if he experienced resistance from the West Indies, partaking of the nature of contumacy, he would come down to parliament for council and assistance. And, *is* not this contumacy with a vengeance? Unbridled, unveiled contumacy? Contumacy pushed to its extremest point? Let us look what it is called by the authorities in the Island. The Council, planters themselves, under the influence of planters, and in awe of the mob, call it "a disgraceful outrage." Lord Bathurst, who always answers the exasperated language of the colonists in the mildest and most gentleman-like terms, calls it "a daring and scandalous violation of law." The governor, helpless as he his, almost shorn of his authority, calls it, in his despatch, "an outrageous violation of law and order, defeating the ends of civil association," says the governor—rendering the laws "a scourge to the weak," says the governor—pregnant with "the very worst consequences, and the most evil example," in a society of slaves, and "such as, if it be suffered to pass unpunished"—(this is his language, not mine)—"will render every man unsafe, in person and in property, delivered over to the mercy of a mob." And this he says, upon the first outrage; which has been aggravated, a hundred fold, by what has since occurred.

Now, the question which I wish to propound is—Shall it pass unnoticed and uncondemned?—unpunished, I do not say. I ask no punishment. I wish every blessing to the planters—and more especially, the blessing of a tolerant and peaceable spirit. I ask only this—First, that law should be re-established in Barbadoes, after a long interregnum: Secondly, that those who pulled down the chapel should build it up again: and, Lastly, that law and justice, protection and toleration, should be secured to all his majesty's unoffending subjects, in all parts of his dominions.

Thus ends my narrative: and I hope I have kept my promise of chronicling the events, in the order in which they took place. But, I would now throw myself on the indulgence of the House; as there are two observations, or rather two comparisons, which I would fain make. I would compare the case of Smith, the Missionary, in Demerara, with the case of the magistrates of Barbadoes. I wish to put, side by side, the crime of Smith and his punishment, and the crime of the magistrates of Barbadoes and their punishment. Mr. Smith knew that a disturbance was approaching, half an hour, as some witnesses say; a quarter of an hour, as others depose—before the insurrection began. That is his crime. The magistrates of Barbadoes were summoned before the council, and asked, "Did you know that a riotous assembly had collected at the Wesleyan chapel, for the purpose of pulling down that building, and that they were actually engaged in destroying it?"—"I did"—is the answer of every magistrate who was in town at the time. So far, then, they stand in a parity of guilt.

Mr. Smith did something. He remonstrated with the rioters, till his remonstrances were checked by a presented blunderbuss: but still he saved the life of Hamilton, the manager. "Did you," the magistrates are asked, "make any effort to disperse the meeting, and prevent the destruction of the chapel? Did you, Mr. Gill?" "I used no effort."—"Did you, Mr. Wickham?" "I used no effort."—

"Did you, Mr. Grant?" "I used no effort on either of those nights."—"Did you, Mr. Walton?" "I used no efforts on either of those nights."—"Did you, Mr. Waith?" "I made no effort, aware that it was useless." Here, then, Mr. Smith has the advantage of the magistrates. He did something; they, nothing.

Mr. Smith made no communication to the governor—the time and the distance rendering it physically impossible. The magistrates are asked, "Did you make any communication to the governor on the subject?" "I made no communication to him," is the answer of them all.

The poor, reviled Missionary, holding no commission, charged with no responsibility, at ten miles distance from the governor and the military, because he did not communicate with the rapidity of a telegraph, is sentenced to be hanged by the neck, until he be dead.—And, the magistrates, the responsible authorities of the town in the neighbourhood of the Barracks and the governor, confessing that they knew every thing, did nothing, communicated nothing—are sentenced to this punishment—"the Council declared their opinion, that the conduct of the magistrates was reprehensible, with the exception of Mr. Moore and Mr. Waith, who lived in the country."—"The governor then inquired, what the Privy Council thought should be done on the occasion, when the board advised, that his Excellency's displeasure should be expressed to those who had neglected their duty; which his Excellency desired the clerk to do." And, even this egregious sentence, as far as appears from these papers, was never carried into effect.

So that, for the same crime, one man is sentenced to death; and another to a ridiculous reprimand, from the mouth of the governor's clerk. A hundred and ninety-three gentlemen voted last session, that Mr. Smith, sentenced to death, and hurried to an untimely grave, was not punished too severely. Every one of them votes with me to-night, in common consistency. For, to them, of all men, must it appear most monstrous, that the same crime committed by magistrates, should be avenged by a sentence of displeasure.

But, there is another comparison infinitely more revolting to my mind, and which I cannot think of without horror and poignant commiseration, and without sickening at the idea of West-India justice. The rioters were white men, and not the hair of the head of one of them has been touched. Had men with black skins committed such, one-half, one hundredth part of such, enormities—had they attended one lawless meeting—had they fired one House—had they sent forth one emissary—had they issued one proclamation of defiance—had they armed to resist the military—or had a negro whispered—(I speak not of an imaginary, but of an actual case, detailed in the papers lately laid before the House)—had a negro whispered in the secret ear of his son, one sentence of dissatisfaction with his condition, or one natural sigh for liberty what a massacre, what lashings, what gibbetting, would have followed!—how would the Mac Turks have rioted in the blood of the slaves!—how would the halberds have streamed with the blood of men sentenced, "for mercy's sake," as it was impudently called, to a thousand lashes, which were inflicted!—But, being white men, and not blacks; civilized men, and not savages—"gentlemen," forsooth, "of respectability" which aggravates their guilt a thousand fold—their riot is patriotic—their proclamation is loyal: because they are "true lovers of religion," they pull down a chapel, and prosecute their neighbour, out of love and harmony!—The black insurgents have quivered under the halberds, and are rotting on the gibbets of Demerara—the white insurgents hold the king's commission; administer the laws; are the senators and magistrates of Barbadoes! "Equal-handed Justice" is the boast and glory of the British constitution.

My motion is temperate, perhaps to a fault. I ask no punishment on any man. I state a fact: and, in order to prevent misconstruction, I state, in the words of lord Bathurst, that a daring and scandalous violation of law has been committed: next, I state, what I believe to be a fact, —and shall continue so to believe, until I am undeceived by a vote of this House; namely, that we view that outrage with amazement and detestation: next, I say, that we will assist his majesty, in enforcing the rebuilding of the chapel, at the expense of those who pulled it down: and, finally, I say, that, warned by past events, we will now take especial care, that there shall be law, justice, liberty of conscience, for all his majesty's subjects in that part of his majesty's dominions. The hon. member then moved, "That an humble address be presented to his majesty, representing to his majesty that this House, having taken into their most serious consideration the papers laid before them relating to the demolition of the Methodist chapel in Barbadoes, and the expulsion of Mr. Shrewsbury, a licensed teacher of religion, deem it their duty to declare, that they view with the utmost amazement and detestation that scandalous and daring violation of law; and to beseech his majesty to take such steps as shall secure the rebuilding of the chapel at the expense of the colony of Barbadoes; and also, to assure his majesty, that this House will afford him every assistance which may be required, in order to prevent the recurrence of such outrages, and in order to secure ample protection, and religious toleration, to all his majesty's subjects in that part of his dominions."

Mr. *Wilmot Horton* said:—He should not attempt to follow the hon. member into the details of the complaint which he had just submitted to the House, but should endeavour to confine himself to such a statement as would put the House in possession of the knowledge of the real condition of the island to which the motion of the hon. member referred, at the time when the facts in question had occurred, in order that the House might be enabled to form a correct judgment of the original causes which had led to so unfortunate a result. In fulfilment of this duty, however, he should endeavour to offer such observations as might be calculated to conciliate angry feelings on either side, and to prevent the recurrence of such evils for the future, rather than attempt to follow, step by step, the minute and substantially-accurate statement of facts, which the hon. member had just made.

No gentleman could feel less inclined than he was, to justify so gross an outrage as the destruction of the Methodist chapel at Barbadoes. In fact, a reference to the papers which had already been laid before parliament would sufficiently prove the sense which had been entertained by the noble lord at the head of the colonial department, of the nature of that outrage. At the same time he felt how unfortunate it would be, if any thing occurred of a nature to rekindle feelings of animosity, and place at issue with each other the missionaries of the Wesleyan society and certain proprietors in the West Indies; between whom so much misunderstanding had already prevailed.

In the main, he agreed with what had fallen from the hon. member; but, he must object to the introduction of the case of Mr. Smith, the missionary of Demerara. The hon. member had endeavoured to establish an analogy between the case of Mr. Smith, which was brought before the House last session, and the present case of the magistrates of Barbadoes; but, he thought that it was very unsatisfactory in principle, if not more objectionable, to attempt to establish such analogy; and he thought that the hon. gentleman had failed in doing so on the present occasion. It was to be remembered, that the subject of slavery generally, never could be approached, without adverting to the fact, that it was a state, however objectionable in itself, which had received, from time to time, in the most unequivocal manner, the sanction and support of this country. It was mixed up, in the minds of the West-India planters, with the question of property; and, if it could be shewn, that the irritation, distrust, and dislike, which had been entertained in the minds of the planters at Barbadoes against Mr. Shrewsbury and the Wesleyan missionaries, arose from an apprehension which they entertained for the security of their property, as involved in the possession of slaves, some apology would be furnished by that consideration. If they considered that the doctrines held by these missionaries were dangerous to their interests, as being subversive of subordination among the slaves, inasmuch as they inculcated the doctrine that slavery was incompatible with Christianity, that again would make the present case one which ought to be considered on its own peculiar grounds, and not in analogy with that of Mr. Smith, the missionary of Demerara.—Now, whether Mr. Shrewsbury or the missionaries ever inculcated these doctrines, or, if they did, whether they acted under a sense of duty in doing so, was a question upon which he would not pause to make any observations. He would only say, that the state of slavery being a recognized state, and certain rights of property being mixed up with that state, it would have been wise on the part of the missionaries, with reference to late discussions which had taken place in parliament on the subject of that state, to have conciliated the planters, by endeavouring to remove from their minds any doubts or apprehensions, that they meant, in any degree, to weaken the spirit of obedience in the slave.

Now, with respect to Mr. Shrewsbury himself, he did not mean, for one moment, to raise any argument against the respectability of that individual. Indeed, he entertained no doubt on the subject. The testimonials to which the hon. member had referred came from persons of high character, and were, on that account, entitled to every consideration and all possible weight. At the same time, it was beyond a doubt, that that missionary, perhaps unintentionally, had given offence to the great bulk of the white population of Barbadoes, who considered themselves likely to be prejudiced by his conduct. For, only one month after that individual arrived in the island, he had written home a letter to the Wesleyan Missionary Society, containing some severe strictures on the state of religious instruction, as then existing there. These strictures containing, or being supposed to contain, harsh reflections on the white inhabitants in general, did excite against Mr. Shrewsbury strong feelings of disapprobation in Barbadoes. Mr. Shrewsbury had written to the committee of the Wesleyan Missionary Society, on the 28th of March 1820, in the following words:—"If we now pause, and take a calm review of the moral condition of this populous colony, the sight will be painful and affecting in the extreme. Surely, the fear of God is hardly to be seen in this place." And, although, in a subsequent part of that letter he directed his observations towards the free black, and the slave population, still, a general censure on the whole was considered to have been made.

And here he wished it to be understood distinctly, that he had no complaint to make against the Wesleyan missionaries in the West-Indies. On the contrary, speaking generally, from all that he had heard, he was disposed to speak favourably of their conduct and of their usefulness. But he might, he hoped, without giving any offence, recommend the greatest caution to those persons, in the existing state of feeling in the colonies. —It appeared, too, that Mr. Shrewsbury, instead of disarming the prejudices which prevailed, had taken steps, which were rather calculated to aggravate them. With the view, as he said, of explaining the real state of the case to the public, he had himself laid a copy of the letter in question upon the table of the public commercial room,—a step, which many persons in the colony considered as not done in the spirit of self-justification, but in that of defiance, and with a view to show how little he valued his opponents; especially as he did this at the time when the alarms of the people of Barbadoes were excited, not only by the discussions that had taken place both in and out of parliament, but by the intelligence lately received of the formidable insurrection in Demerara,—to the supposed origin and causes of which, he should not now advert. Whatever might have been Mr. Shrewsbury's motive in this respect, it was sufficient to say, that his conduct had given rise to feelings, which led to the circumstances which the House was now called on to discuss.

With regard to the chapel which had been destroyed, he could inform the House, that at the period of Mr. Shrewsbury's arrival in Barbadoes, in February 1820, so far from its appearing, that there was any general indisposition towards himself or his mission—on the contrary, every sort of assistance and support was given him:—and, in proof of this assertion, he could state, that one-third of the expense of building this chapel which had lately been destroyed, was raised by voluntary subscriptions. Nothing could more clearly establish the fact, that this irritation, on the part of the people of Barbadoes, did not arise from original ill-will towards the Wesleyan missionaries, but from particular circumstances, which had characterized the mission of this individual.

The hon. gentleman then adverted to the argument of the hon. member opposite, who had observed on the continuance of these feelings in Barbadoes up to a late period. To that he would reply—and he did so with considerable regret—that circumstances certainly had occurred, which had a tendency to keep alive and continue, that particular state of suspicion and jealousy, which existed in the minds of the white inhabitants of Barbadoes, and to which he had alluded; namely, a jealousy of the supposed tendency of the Wesleyan doctrines to diminish the obedience of the slave. It appeared, that in last September, certain Resolutions were passed at a meeting of Wesleyan missionaries in Kingston, Jamaica, the first of which was expressed in these words: "That they entertain a decided belief, that Christianity does not interfere with the civil condition of slaves, as slavery is established and regulated by the laws of the British West-Indies."—The committee of the Wesleyan Missionary Society at home thought it necessary, explicitly and distinctly to protest against the doctrine contained in that resolution; and they declared, that they held it to be "the duty of every christian government, to bring the state of slavery to an end, as soon as it can be done, prudently, safely, and with a just consideration of the interests of all parties concerned:"—and, thus far, they go little beyond the resolutions of the House of Commons. They then add, that "the degradation of men, merely on account of their colour, and the holding of human beings in interminable bondage, are wholly inconsistent with Christianity." Now, of whatever qualification this opinion might be susceptible, to preach to the slave, that Christianity is his first duty, and to tell him, at the same time, that his state of slavery is wholly inconsistent with Christianity, was to inculcate doctrines, which would naturally appear dangerous to those who felt, that their property, the property of their families, and their very existence, were necessarily involved in the possession of slaves.

The hon. member had alluded to certain prosecutions, which, it was said, were about to be instituted by the law authorities of the colony. He could only say that no such prosecutions would take place, without a previous consultation with the government at home.

The hon. member had expressed little or no censure on the conduct of the governor of Barbadoes, who, he felt assured that the House would consider, had done every thing in his power. In referring Mr. Shrewsbury to the magistrates for protection, he had felt, that he was only giving that importance to the execution of the law which it was his duty to give. If Mr. Shrewsbury had applied to the magistrates, and they had refused to act, he might then have immediately returned to the governor, who would have found himself placed under circumstances, in which he could have had no hesitation in interfering personally. But, the impression which existed in Mr. Shrewsbury's mind, that he would not receive assistance from the magistrates, was pleaded as an excuse for not having made the application. In that exercise of his discretion, he considered Mr. Shrewsbury, to have been entirely in the wrong; and that he was so far responsible for the circumstances which had succeeded.

He would mention another cause of the continued irritation which had existed in Barbadoes. In the report of the committee of the Wesleyan Missionary Society to December 1824, page 105, were the following remarks, with reference to the destruction of the chapel; "The whole shews, that even the poor excuse of temporary excitement, founded on exaggerated reports as to the insurrection in Demerara, and misapprehensions as to the contents of Mr. Shrewsbury's letter, cannot be allowed to the leaders and exciters of these disgraceful outrages. They argue a deeper and more permanent principle—a settled hostility to religion itself, and to the religious instruction of the negro and coloured population." Now, he thought that he could satisfy the House, that it was not a settled hostility to religion itself, that existed in Barbadoes—but a hostility to religion, as they understood it to be preached, or expected that it would be preached, by the Wesleyan missionaries. The religious establishment which parliament had provided had been received with the utmost cordiality and gratitude. He understood, that the legislature were prepared to grant 3,000*l.* towards the expense of building a new church at Bridgetown, and to make an annual grant of 600*l.* for the support of the colonial school. The Moravians had lately received from one individual a donation of 2,000*l.* But, he would refer more particularly to the authority of the rev. Mr. Hinds, a gentleman of the utmost respectability, the principal of Codrington college, a college under the direction of the Society for the Propagation of the Gospel; and it was to be remembered, that the statement of that gentleman was upon oath. Mr. Hinds stated, that when officiating as missionary from the society for the conversion of negro slaves, he had made many applications to the proprietors and overseers of estates, for liberty to instruct their slaves in religion; that, without any exception, all his applications were favourably received; and that, in several instances, great zeal and earnestness were manifested in the cause in which he was engaged. He had known the proprietor of an estate himself read prayers and explain the Scriptures to his slaves; and he adds, "from the inquiries which I made, as well as from my own observations, the impression left upon my mind is, that the general sense of the proprietors is in favour of the religious instruction of the negroes, whenever undertaken by ministers of the Established church." Many additional passages might be quoted, in corroboration of this opinion, and to shew the extent of religious instruction which the slaves received, not only at the several parish churches (which were open at extraordinary hours, for the special purpose of giving to the slaves lectures adapted to their capacity), but also at their own houses; and an estimate had been made, that 10,000 slaves were receiving religious instruction weekly.

He should conclude his observations by repeating, that he had nothing to offer in the way of apology for what had occurred in the destruction of the chapel, which had given rise to the motion of the hon. gentleman. He was willing, however, not only to hope, but to believe, that the actors in that disgraceful outrage, although they might have been under the influence of a sort of moral dementation, were not actuated by any want of intrinsic respect for religion itself. He hoped, that the proof which these circumstances exhibited, of the existence of an angry and a dangerous spirit, would have the effect of inculcating caution on all classes of religious Missionary Societies, and of inducing them to endeavour to disarm that spirit, by adopting measures of conciliation, and thereby to give full effect to those general measures of instruction and improvement which the House and the country had sanctioned.

Mr. *William Smith* said, that, not merely for the sake of the Wesleyan missionaries, or the religious instruction of the colonies, but for the honour of this country, he considered the motion of his hon. friend as highly important. It was absolutely necessary, that a lesson should be read to the inhabitants of Barbadoes; who had displayed, throughout this transaction, as well as upon other occasions, so dangerous and outrageous a spirit; and whose language was little short of rebellion. He was happy to find, that the hon. Secretary for the colonies had allowed their conduct to be wholly unjustifiable; though he seemed desirous of finding some ground for it, in the conduct of the Missionary Board, or of Mr. Shrewsbury. For his own part, he had no hesitation in saying, that there was not a shadow of a charge against Mr. Shrewsbury. The obnoxious letter, of which so much had been said, contained no reflections on the white population of the colony, half so strong, as those which were to be found in almost every publication, which had come, even recently, from the hands of gentlemen, who were the best acquainted with the condition of the West-Indies.

From the days of Bryan Edwards, down to the present year, similar descriptions had been uniformly given, by every writer who had resided there. He could, if necessary, furnish instances, abundant and indisputable; but, the facts were too notorious to be denied;—and, whether true or false, these representations were not confined to Mr. Shrewsbury, and could not, therefore, furnish ground of charge against him in particular: nor, however disreputable such conduct might appear in the eyes of the sober part of the British public, were the charges of a nature to excite the negroes to insubordination;—but, they were amply sufficient to stimulate the Colonists to give vent to their dislike of the Missionary system, and to the splenetic feelings which they had long indulged against Mr. Shrewsbury and his brethren;—men, however, whose character neither depended on their report, nor was to be accepted from such prejudiced hands. For their objects, their deserts, and the fruits of their labours his hon. friend, the member for Christchurch (sir. George Rose), would be found a witness of the most accurate information and the highest authority. To Mr. Barham they could also appeal; and to almost every gentleman known in this country, as connected with the island in a way to do himself honour. That hon. member had also drawn a flattering contrast between the effect produced on the negro character by the labours of the Wesleyan missionaries, and those on the members of the established church; who, to say the least of it, with a very few honourable exceptions, had seemed equally deficient in power and inclination, to render any services of this nature with general advantage.

He remembered that, some years ago, an attempt was made, by a part of the magistracy of Kingston, in Jamaica, to put down the Methodist and Dissenting chapels there, by refusing to grant licenses to their ministers. Upon that occasion, he, with some other friends of religious liberty, had remonstrated with his majesty's ministers on the subject. In consequence of that remonstrance, orders had been immediately sent out, to rescind the measures which had been taken; and, from that time to the present day, as he believed, no attempt had been there made, again to interfere with the liberty of worship. But, however improperly those magistrates upon that occasion might have acted, no riot, no tumult, had occurred;—no destruction of property had been committed, nor any serious evil felt but the partial interruption of the religious service. Such was the striking difference between this proceeding, unjustifiable as it was, and the violence perpetrated by the mob, styling itself "the respectable inhabitants of Barbadoes!" Such men as these, however, he was firmly persuaded, the "respectable inhabitants" of Jamaica would utterly disown as brethren. He was sure that no men would more severely reprobate such transactions, than the gentlemen connected with that island resident here, with whom he had the pleasure to be acquainted. And yet, some parts of the hon. Secretary's speech too much resembled an attempt to excuse outrages, which had gone the length of defying all legal authority, and even threatening murder.

The hon. Secretary had recommended conciliation and forbearance. Now, conciliation had been very long tried; and, he was sorry to say, had not produced the beneficial effects which had been promised. When lord Seaforth had proposed a bill, to declare the wanton and wilful killing of a slave to be murder, the planters pertinaciously opposed the enactment;—not on the pretext, that the mere supposition of such a law being necessary was an insult; for its necessity had been demonstrated by a recent occurrence—but merely because they were, forsooth, too high-minded to submit to a law which they disapproved: and the manner, too, in which it had been refused was most offensive. Nor had he been able to trace, from that day to this, any change of feeling in the people of that island, which could lead him to suppose, that such an outrage as was now complained of, might not, at any time, have been committed: the extravagance of the action did not, in his mind, form any presumption against its probability.—Stronger measures than any which the House had yet taken, were, he was convinced, necessary to repress this spirit; and, if some such steps should not be taken on the first occasion which should present itself, whether a bishop or a Missionary were employed in the obnoxious work, the most reasonable demands would be rejected, if they happened not to suit the pride of the assembly, or the caprice of the people. There had always existed, on the part of the inhabitants of that island, the most inordinate and ridiculous ideas of their own importance. They seemed, in this instance, to be nearly on the same level with the poor simple Welchman, who exclaimed, when he was about to leave the city of Bristol, "Alas! what will become of thee, poor Bristol, when I am gone!" They should be taught, that, however valuable to a few individuals may be the estates they possess there, to the empire of Great Britain, as a national possession, their island is but as a toy, which, if destroyed, would, in a very short time, be scarcely missed, and ere long be quite forgotten: and that, instead of being one of the props of this country, as had been sillily boasted, her conduct tended only to embarrass and to tease the too-forbearing government of the mother country, and to bring the colonies into contempt.

Mr. *Butterworth* said, that being connected with the Wesleyan Missionary Society, he must request the indulgence of the House, while he made a very few observations on the case now under consideration. The honourable Colonial Secretary, at the commencement of his speech, had stated, that all these subjects relative to missions in the colonies, should be treated in a spirit of conciliation, and not with hostility. He could assure the honourable gentleman, that a spirit of conciliation had uniformly been manifested by Mr. Shrewsbury and the rest of the missionaries, as well as by those who had the management of the Wesleyan Missions. Nothing could more directly prove this, than the conduct of Mr. Shrewsbury, when, after the destruction of his house and property, for no offence—when he had been forced to escape for his life out of the island of Barbadoes, with his wife, at the very moment she expected to be confined, he sat down as soon as he landed in St. Vincent's, and wrote that most judicious and conciliatory pastoral letter to his distressed flock in Barbadoes, which had been alluded to by the honourable mover. In this letter he entreated them not to resent the unprovoked injury which they had sustained, but to bear with meekness and patience every insult, and not to render evil for evil. Nothing could be more conciliatory, nor better evince the Christian spirit of forbearance, than that admirable letter.

With regard to the conduct of the Wesleyan Mission Committee, although they had deeply felt the gross injury and violent outrage which had been committed, yet they had excited no spirit of resentment at home. The table of the House might easily have been covered with petitions from all parts of the kingdom for justice in so flagrant a case; but, not one had been presented; and, indeed, the present motion was not made by the instigation of the Mission committee; it was the spontaneous act of the honourable mover. So far from the society wishing to excite a spirit of resentment, they only lamented, that the gentlemen of Barbadoes did not see their own true interest, and encourage their missions, as had been done in the other West-India colonies. For, certain he was, that the slaves became more industrious, more sober, more honest, and, in every respect, more valuable, when brought under the influence of moral and religious principles. He did not give this as his own opinion merely; for he had abundant evidence to prove it. In the year 1817, when prejudices were excited against the missionaries, he, together with the late member for Midhurst, Mr. Thompson of Hull, sent a circular letter to the West-India colonies, addressed to gentlemen not belonging to the Methodist Society, inquiring into the character and conduct of the Wesleyan Missionaries, and of the effects produced by their preaching and labours on the slaves: and he had now in his possession abundance of letters, from governors, members of council, judges, barristers at law, physicians, planters and proprietors of estates, merchants, and others, bearing ample testimony to the beneficial effects of the Wesleyan Missions on the minds of the slaves, and of the general good character and conduct of the missionaries. He was sorry that Barbadoes was almost the only colony in which the missions were not encouraged. Liberal subscriptions had been contributed to the missions by proprietors of slaves, in most of the other islands.

He regretted that the honourable Secretary had made any animadversion on the annual report of the Wesleyan Missionary Society. It was surely necessary, that such a flagrant outrage as the one committed at Barbadoes should be noticed in the annual report; and it certainly had been done in temperate, measured language, considering the unprovoked injury which had been sustained. The honourable Secretary had also seemed to insinuate, that the doctrines preached by the missionaries tended to inculcate insubordination among the slaves, and to lessen their value. [Mr. Wilmot Horton, across the table, said, he must correct the honourable member; he had not given this as his opinion, but that it was the opinion of some in Barbadoes.] Well! whether such an opinion were held out here or there, he would challenge any one to prove the fact. These missions were not of yesterday: they had been established upwards of forty years; and, during all that time, there never had been a single charge substantiated against the doctrines taught by the Wesleyan Missionaries. Indeed, their doctrines and liturgy were those of the established church of England.

With regard to the instruction afforded by the clergy of the established church in the colonies, it was generally admitted, by their own returns to lord Bathurst's circular letter, printed by this House in 1818, that the clergy did not consider themselves fitted, or responsible, for the instruction of the slaves; nor had they the means of affording instruction. If he recollected right, in the returns made by the rev. Mr. Chaderton, rector of St. Paul's, Antigua, he had stated, that he could only admit about thirty slaves into his church after the whites were accommodated; and there were nearly 4,000 slaves in his parish.

The honourable Secretary had charged Mr. Shrewsbury with exciting the violence which had occurred at Barbadoes, by exhibiting his letter by way of defiance. The very reverse was the fact. The letter had been printed in the colony for three years, without exciting any particular observation; but, when the unhappy affair in Demerara occurred, it produced a bitter spirit against all missionaries, and then the Barbadians endeavoured to find some charge against Mr. Shrewsbury.

They examined his reports, as printed in the Missionary notices, and particularly his letter of 1820, which was a public document in the island, and they grossly misrepresented it. Mr. Shrewsbury, merely in self-defence, to prevent such further misrepresentation, and from the best motives, to promote peace and goodwill, took the printed copy of his letter and left it at the Commercial Rooms, that it might speak for itself; and he would beg permission to read to the House a passage from Mr. Shrewsbury's own account of this transaction, written at the time, viz. the 18th of October, 1823, the day before the riot, and which was sent to this country, and printed by the committee in London, 15th December, 1823.

"When the intelligence of the insurrection of the slaves in Demerara reached Barbadoes, it was publicly posted up in the Commercial Rooms, that 'The Methodist clergymen of Demerara were both 'imprisoned, they being *deeply implicated* 'in the insurrection which had broken out 'in that colony.' This falsehood, stated in so public a manner, set the people in a flame. Fresh stories were circulated every day. The Island newspapers (one excepted) teemed with invectives against certain hypocritical characters, who, under the pretence of giving religious instruction to the slaves, were introducing principles entirely subversive of those foundations on which the comfort and happiness of society rested. My letter of 1820, was again revived, and some confidently asserted, that I had therein stated, that 'the slaves ought to take their liberty 'by force, if it could not be otherwise obtained.' To silence this report, I carried the number, containing the letter, to the Commercial Rooms, that any one who chose might read it. This measure considerably allayed the public ferment, till one of the printers published scraps of the letter in his paper, with comments upon it, which quickly revived the public resentment, and increased it to a still higher pitch. Not only were my words misrepresented, but it was further said, and by many believed, that the letter I produced was not the real one: that I had obtained that which I made public from home, merely to blind the eyes of the people; and that the genuine letter contained the vilest calumnies against the Barbadians, that were ever sent home to England. Yet more; every sermon I delivered became a subject of conversation afterwards; so that, not a week occurred but I was charged with having said something in my public discourse, which endangered the peace of the colony; and to all this it was added, that I held private meetings with the slaves, to get all the information from them I could, to convey intelligence to the African Institution. These things have all combined to arouse the public feeling against us; and the official despatches relative to the late discussions in parliament coming at this crisis, consummated the whole. I especially am now hated of all men."

With regard, therefore, to Mr. Shrewsbury's motive for taking the letter of 1820 to the Commercial Rooms, it was merely to silence clamour, and certainly not to provoke hostility. He had received the most ample testimonials to Mr. Shrewsbury's general good conduct, especially from one highly respectable gentleman in Grenada, who owned, or had the charge of about two thousand five hundred slaves with whom Mr. Shrewsbury lived some years, and was particularly useful in improving the general character of his negroes. As there did not appear to be any particular objection to the motion, he should refrain from offering to the House some further observations, which he should otherwise have made, respecting the general object and tendency of the missions.

Mr. Secretary *Canning* observed, that as it was evident that no possible advantage could result from prolonging the present debate, he did not offer any apology for addressing himself thus early to the House, for the purpose of stating the course which his majesty's government were prepared to take upon the hon. gentleman's motion. He begged, however, in the first place, to advert to an expression which had been made use of by the hon. member who spoke last, in referring to the speech of his hon. friend behind him, the Secretary for the Colonies, as an intended *justification* of the proceedings which had taken place at Barbadoes. The hon. member must have given the speech of his hon. friend that designation, from mere inadvertence. Upon a little reflection, the hon. member would admit, that it was, in no fair sense, applicable to his (Mr. C.'s) hon. friend's statement. In all human concerns, indeed, it was a difficult process to develope the course of a transaction, involving many persons, and diversified by many different occurrences—and to assign in detail the motives and reasons which led to it, without appearing to use, on the one hand, inflammatory language, or on the other, the language of justification. His hon. friend (Mr. W. Horton) had endeavoured to give such analysis;—and the attempt had subjected him to the usual misrepresentations.

Of the transaction itself, to which the papers on the table of the House related, it was impossible that there should be more than one opinion: namely, that it was unjustifiable, indefensible—a violation of law and justice—a defiance of all legal authority—a flying in the face of parliament, and of the country. [Hear, hear! from both sides of the House.] In every expression of abhorrence at so great an outrage, he fully concurred with the hon. member for Weymouth; and, if he differed from that hon. gentleman in opinion, as to the mode in which the House ought to proceed upon the occasion, that difference was solely founded on practical considerations, arising out of the circumstances of the case, and not upon a favourable estimate of the character of the transaction itself. He admitted even, that it was a case, in which the duty of the House of Commons would be better performed by interfering, than by passing it by unobserved: but, he thought it, at the same time, expedient for the House so to regulate its interference, as neither to leave unmarked, on the one hand, the expression of its indignation, nor to involve itself, on the other hand, in questions of unnecessary difficulty.

The case of Mr. Shrewsbury had been placed in comparison with that of Mr. Smith, the missionary of Demerara; but very erroneously, as appeared to him (Mr. Canning); since, there was this striking difference in the two cases. Of Mr. Smith he was desirous of saying nothing harsh or disrespectful. His guilt or innocence was not the debate of that night;—and, whatever his errors might have been, he had, God knew, more than amply atoned for them. But, in Mr. Smith's case there was an imputation of guilt—or error—(call it by what name you would), which at least provoked, if it did not justify, animadversion. In the conduct of Mr. Shrewsbury, he must be allowed to say, that there did not appear the slightest ground of blame or suspicion [Hear, hear!].

Allusion had been made to the letter which Mr. Shrewsbury had felt it his duty to address to his correspondents in this country. It could not be denied, that Mr. Shrewsbury was at liberty to write that letter. To Mr. Shrewsbury, therefore, no blame whatever attached, on account of its contents. But, he must say, that it was a gross instance of imprudence to publish that letter: nor could he conceive any thing more likely to paralyze the future efforts of their Missionary, than that publication by the Missionary Society. The sending back to Barbadoes, to be circulated throughout the colony, Mr. Shrewsbury's free remarks upon its inhabitants, was to mark him out for distrust and dislike, if not (as had turned out to be the event) for persecution. The object of the Missionary Society ought to have been, to enable Mr. Shrewsbury to stem the prejudices which prevailed against his sect. Before he had time, however, to conciliate, by his peaceable and steady behaviour, those to whom he was sent, this firebrand had been flung amongst the Barbadians; and, from that moment, all the prospects of his individual usefulness in that community, were at an end. But, of this unlucky mistake the blame rested not on Mr. Shrewsbury. Nor did he state the provocation—though a most unwise and unnecessary one—as a justification of the conduct of the Barbadians.

In considering the course which it was the duty of the House to adopt upon the present occasion, it was necessary for hon. gentlemen to bear in mind, that there were four classes of persons to whom the attention of the House had been drawn. In the first place, there was that class of unknown persons in Barbadoes, who had personally committed the outrage which formed the subject of the motion: secondly, the insular magistracy, who, it was impossible to say, had done their duty, or had even shown themselves sensible of the duty which they had to do: thirdly, There was the governor of the colony: and, lastly, there was the government at home.

With respect to the conduct of the governor of the colony, he was disposed to view it with great indulgence. Indeed, there was no disposition, in any quarter, to impute blame to him. Undoubtedly, it was in his power to have called out the military forces under his command; but, that was an extreme course, which, the rather, perhaps, from his being a military man, he was unwilling to take, when informed by his official legal adviser, that such a course was not within the limits of his authority. The governor did not appear to have been then aware of the extent of that authority: but, having been since instructed, by his majesty's Secretary of State for the Colonies, that his authority, as governor, was much wider than he supposed it to be, he had shown every disposition to exercise it to its utmost extent: which, indeed, he had so effectually done, as to prevent the repetition of similar outrages in the colony.

With respect to the conduct of the government at home, he thought it was impossible—indeed, no disposition was evinced—to charge it with remissness. Lord Bathurst had done every thing in his power, to avoid a recurrence of the disgraceful scenes that had taken place, by calling upon the governor to exercise an extended authority; pronouncing animadversions on the magistracy; and requiring a more accurate investigation into the manner in which that body discharged its functions.

It had been asked, why the magistrates had in no way been punished, except by a slight reprimand from the governor; and how it came to pass, that their dismissal had not been recommended? Looking on the face of papers, it certainly did appear to him, that many of those magistrates ought to be removed from their offices. But, unacquainted, as he necessarily was, with the state of society in Barbadoes, he was not prepared to say, that, if the present magistrates were displaced, others could be procured, who would discharge the duties of their office in a more satisfactory manner. This could be no very satisfactory reason, to be sure, for continuing things on their present footing; but, it was an imperative one, if it existed: and, not knowing whether it existed or not, the Colonial Secretary of State could not, without great indiscretion and risk of mischief, have sent an order to displace a whole magistracy—even if the government had the lawful power to do so.

The fourth class were the rioters themselves—guilty, but numerous and unknown. In defence, or in extenuation at least, of the riot, blame had been thrown upon the Wesleyan missionaries in general. He (Mr. Canning), was not at all inclined to disparage the character of that body, or to undervalue their labours. But, with every due sense of their merits, and of the good which they had effected in the colonies—good, not only spiritual, but political—he was not disposed to confine the education and moral improvement of the inhabitants of the West Indies, to their exclusive protection. He was a friend to toleration, in the full extent and meaning of the term; but, he did not understand that kind of toleration, which was to be confined to one particular class or body, to the exclusion of other bodies, equally meritorious. He wished the established church to live in charity with all sects; and to avail itself of all the aids and appliances which they might furnish. But, he did not see why the church of England should be considered as the only establishment unfit for its own work; and incompetent to deal with the subjects and colonies of England. He said this in passing; because, he thought he observed a disposition to raise the sectaries, not up to a level with the church, but beyond it; and make the church itself an exception, rather than the rule and standard of our Ecclesiastical establishment.

But, to return to the immediate question. A reference had been made to certain expressions which had fallen from him in a former session, during the discussion of certain propositions, calculated to promote the amelioration of the condition of the negroes of the West Indies. Undoubtedly, he had said, that if, in the prosecution of that cause, he experienced resistance from the West Indies, partaking of the nature of contumacy, he should consider it right to come down to parliament for counsel and assistance. To that opinion he still adhered: and it was plain, that he so far admitted its application to the present case, as to allow that it was one in which something should be done by the House of Commons. The question was what that something should be.

The proposed address to the Crown pledges the House to assist his majesty, in enforcing the rebuilding of the chapel which had been demolished at the expense of the people of Barbadoes. Such a proposition appeared to him to involve a most dangerous principle. It was one which had very rarely been acted upon in this country. There were, he believed, in the annals of parliament, two prominent instances of penal infliction upon a large community, for the acts of undiscovered individuals. Those instances were that of the Porteous riot, at Edinburgh, and, more recently, the Boston Port bill. The former had not been without its difficulties. The latter was a most inauspicious precedent; and one which he was sure the House would not be very precipitate to adopt. If, however, the House were prepared to admit such a principle, they should also be prepared, with all their hearts, and with every nerve of their frames, to follow it up and fearlessly meet the result.

The executive government alone could do nothing to accomplish the hon. gentleman's object. The address would, therefore be a delusion, if it did not point distinctly to an act of the legislature. It was by an act of parliament alone, that the people of Barbadoes could be compelled to do that which the hon. member recommended. But, was the House prepared to levy money for internal purposes, upon the people of that island, who had an independent legislature of their own? He begged to be understood, as not giving any general opinion, as to the existence or non-existence of that transcendent power in the metropolitan parliament of the monarchy. That was one of the questions which lied deepest in the very penetralia of the constitution, and which (as he had said upon the question before referred to) it would be unwise to stir, except upon an adequate occasion.—Was this an adequate occasion? He thought not.

Was he (Mr. Canning), however, desirous to induce the House to pass over the outrage which had been committed? No such thing. Although he did not think the case was one which called for such an exercise of authority as the resolution of the hon. member indicated, he nevertheless thought it was one, on which it was fitting that the House of Commons should express its opinion—not in censure of the governor of Barbadoes, for the hon. mover did not mean to blame him—nor of the Home government, for that had done confessedly every thing in its power—but, in aid of both, and for the purpose of proving to the colonies, that the opinion of the House and the country was, that the governor had done his duty, and that they were ready to give him their support, if necessary, in what future exigencies might require to be done. He had prepared an amendment to that effect, which he would read to the House.

"Resolved, That an humble address be presented to his Majesty, to represent to his Majesty, that this House, having taken into their most serious consideration the papers laid before them relating to the demolition of the Methodist Chapel in Barbadoes, deem it their duty to declare that they view with the utmost indignation that scandalous and daring violation of the law, and having seen with great satisfaction the instructions which have been sent out by his Majesty's Secretary of State to the governor of Barbadoes, to prevent a recurrence of similar outrages, they humbly assure his Majesty of their readiness to concur in every measure which his Majesty may deem necessary for securing ample protection and religious toleration to all his Majesty's subjects in that part of his Majesty's dominions."

The hon. mover would see, that the principal difference between the amendment and the original resolution—except in what related to the rebuilding of the chapel—was the substitution of the word "indignation," for "amazement and detestation." He believed the substituted phrase was the more parliamentary. At all events, it was, on the present occasion, the most correct: for it did appear somewhat extraordinary, that the hon. member should propose to declare the "amazement" of the House at an event, which he had stated, both at the outset and the conclusion of his speech, to have been exactly agreeable to his own expectation. As an admonition to the inhabitants of Barbadoes, and as an expression of the opinion of the House, he (Mr. Canning) thought the amended address would be equal in effect to any questionable attempt at more serious practical punishment. Let not the principle of such more weighty infliction be supposed to be disavowed: but, contented to meet the present occasion with what was sufficient for the purpose, let us permit that principle to lie dormant in the omnipotent bosom of parliament; never to be brought forth into action, until the legislature saw itself called upon, by a more urgent exigency, to arm itself with extraordinary terrors; and was consequently prepared, with all efforts and at all risks, to push that principle to its utmost extremity.

The amendment further improved, as he (Mr. Canning) thought, upon the original resolution, by expressly approving of the conduct of the executive government at home. The effect of passing any resolution, which did not contain such an expression of approval, would be to impeach that conduct; and, sure he was, that it was not the intention of the hon. mover to do that, which would be, in effect, to side with the contumacious Barbadians, against the Secretary of State. On the contrary, the hon. gentleman would feel, that a cordial approbation of what the king's government had done, would be the most useful encouragement and support to them, in what they might yet have to do.

Believing, therefore, that, both as to what it omitted, and as to what it supplied, the address which he proposed would meet the necessity of the case, the wishes of the House, and even the object of the hon. gentleman himself, better than his own resolution, he would conclude by proposing it for the adoption of the House.—The right hon. gentleman then moved, by way of amendment, to leave out from the word "Barbadoes" to the end of the question in order to add the words, "deem it their duty to declare, that they view with the utmost indignation, that scandalous and daring violation of the law; and having seen with great satisfaction the instructions which have been sent out by his Majesty's Secretary of State to the governor of Barbadoes, to prevent a recurrence of similar outrages, they humbly assure his Majesty of their readiness to concur in every measure which his Majesty may deem necessary, for securing ample protection, and religious toleration, to all his Majesty's subjects in that part of his Majesty's dominions," instead thereof.

Mr. *Butterworth* observed,—That he was quite sure that the amendment of the right hon. gentleman who had just sat down would afford ample satisfaction to the Wesleyan Mission Committee. They had no feelings of resentment to gratify. All they wanted was protection for their Missionaries, while they conducted themselves properly. With regard, however, to what the right hon. gentleman had stated, that Mr. Shrewsbury's letter of 1820 was very proper for him to write to the committee, but most injudicious in the latter to publish, and that it was like throwing a firebrand into the colony—he must confess that he thought very differently. It was an accurate description of the moral condition of the island; and, unless the subscribers to the missions were made acquainted with the actual state of those countries to which the missionaries were sent, whether to our own colonies or to heathen lands, they could not be expected to support the missions. In respect to the letter being like "a firebrand," it certainly was a very cold one; for it had lain publicly in the colony for three years, without producing any light or heat, until it was kindled by the flame which arrived from Demerara, and by gross misrepresentations in Barbadoes.

Mr. *Brougham* said, that, after the course taken by the right hon. Secretary of State for Foreign Affairs, the few observations which he should feel it his duty to offer would be of little importance. He was happy to say, that he highly approved of the amendment; which, unlike many other propositions bearing that name, and proceeding from the other side of the House, was, in truth as well as in name, an amendment of the original motion. But, he would now, as he did upon all other occasions, enter his protest against any parallel being set up, between the case of the northen states of America and the West-India Islands. He denied that there existed the remotest similarity in their relations with the mother country. The defiance of North America was truly formidable, and to encounter it was, on the part of this country, the height of folly; the threats of the Islands were justly a subject of ridicule.

It was not, however, because they were powerless, that he would argue that any illegal or unjust course was to be adopted towards them. Far from it. He had ever contended, that even the weakness of a community constituted a stronger claim against being trampled upon by oppressive interference. It was because he held the right to be on our side, that he warned the Islands once more against provoking us to shew our power also; and reminded the House that, as for the safety of exercising our undoubted prerogative, Great Britain had nothing to fear from the West Indies—from its largest colony, down to the smallest of the Virgin Isles. They might menace—but, it was all trifling. The language of this country should be to the West-India Assemblies—that if they did not discharge their duties, the united parliament would do its duty—that it would exercise that legislative right, which, except upon the point of taxation, it had reserved to itself, and secured by a declaratory law. No man who knew the least of the question could harbour a doubt on this point. No man who had read the words of our statutes, or reflected on the events out of which they arose, could hesitate an instant in admitting, that parliament possessed the full right of internal legislation in all the colonies—frequently exercised that right—and had only consented to abandon it upon the single matter of revenue.

There was, he thought, a very remarkable difference between the tone of the right hon. Secretary of State and the under Secretary for the Colonial Department, in speaking of the outrages which had been committed in Barbadoes. It might be, that as the former was oftentimes obliged to mitigate his language here and elsewhere, to pacify the holy allies and their ministers, so the latter was forced to consider the Islands and their agents. While the Secretary of State gave full vent to his feelings on Colonial questions, the under Secretary spoke freely on Foreign Affairs. On this subject, however, the hon. under Secretary was rather mealy-mouthed. He dealt out his censure very charily upon the conduct of those by whom the disgraceful outrage in question had been committed. According to the hon. gentleman, they had been betrayed by their feelings into the course which they had pursued. In an amiable excess of sensibility, they had only burnt down a chapel—only made a great riot—only levied war against the king, and committed high treason [a laugh]. The hon. gentleman certainly allowed, that the act was much to be lamented; and he also lamented the cause of the act. This amiable indiscretion, it seemed, was occasioned by a wish to preserve their property, on the part of those who committed it. "Just as if a man," said Mr. Brougham, "professing merely to protect his own purse, should indiscreetly, but through a pardonable, if not an amiable indiscretion, take mine" [a laugh]. To protect their own property, these amiable but indiscreet persons went and destroyed a meeting-house belonging to others. And then, these offences, committed day after day, and night after night, were absolutely gloried in by their perpetrators, and called the triumph of true religion! They ransacked, pulled down, burnt, destroyed, demolished the property of others; were nearly committing murder, and did commit treason—and all to give a triumph to "true religion!" Excesses had often been perpetrated in the name of religion, as well as of liberty; but, never before, even in the most barbarous times, had that sacred name been more prostituted, than in Barbadoes [hear!].

With respect to the missionaries, he must declare, that they had done great good—unmixed good—in the West-Indian colonies. The church, must of course, be protected; but he would deal with an equal hand, and afford protection to the sects likewise. The church was not adapted to the spiritual exigencies of the colonies. It was quite impossible that the task of instructing the slaves could be left to the established church alone. The very accomplishments of its clergymen, the education which they received at Oxford and at Cambridge, unfitted them for the task of converting and educating the unfortunate beings, who ought to be the peculiar objects of proselytism and instruction. In a very able pamphlet on the treatment of the negroes, published by an hon. member of that House (sir George Rose), the author, a member of the church of England, and warmly attached to its doctrines and discipline, notwithstanding all his prejudices in favour of the establishment, had laid down the principle to which he (Mr. Brougham) had just adverted, had supported it by argument, and illustrated it by example. Nay, even the clergy of the West Indies themselves, had, many years ago, borne the most satisfactory testimony to the superior advantages possessed by the Methodist ministers, in teaching the negroes; and had admitted, that if those negroes were to be taught at all, it must be by such instructors. The question, indeed, now was, whether the negroes should be taught at all: for, if they were to be taught, Methodists alone could teach them.

He was exceedingly sorry, however, to find, that such was not the opinion of a right reverend person who had lately been sent over to the West Indies, as bishop of Jamaica. Bishop Lipscomb (whose first-fruits, remitted to the Colonial Office and treasured in the papers before the House, he (Mr. Brougham) feared would be found, when weighed, of more insignificant value than those of the poorest of the Welsh bishops), in his despatch to the noble earl at the head of that department, asserted that the negroes were very favourable to the established church, and, on the contrary, regarded the Sectaries with a most unfavourable eye. It was worth observing, that this despatch from the right reverend prelate was dated the 12th of March. He could not have arrived in the colony long before the beginning of March. [Some hon. member denied this.] He had the means of knowing, that the bishop could not have arrived at Jamaica long before the beginning of March; because, he happened to know professionally, that the vessel which carried their lordships, the West-India bishops, out, sailed pretty far on in the month of December. Notwithstanding which, the moment he gets there, he sees what is the religious disposition of the slaves. Let the House remark, how very much the right reverend prelate differed from his more humble ecclesiastical predecessors. He said—"A very strong predilection exists for the doctrines of the church of England, if opportunities for attending divine service were afforded them." Now, how could the right reverend prelate by possibility discover, during his residence of two or three weeks in the colonies, that this predilection for the doctrines of the established church existed among the poor negroes? How much did they know of the thirty-nine articles, or of the difference between "consubstantiation" and "transubstantiation?" But, no matter! the bishop expresses his conviction, that they entertain "a very strong predilection" for the doctrines of the established church: and he adds—"Wherever I go, I find the greatest aversion to sectarianism, of every kind and denomination; but every degree of confidence in any teachers of religion, whom I may be pleased to appoint." Why, really, the island of Jamaica must be a perfect bishop's Paradise, thus delighted as the population were with the church of England, and abhorring, with a true orthodox abhorrence, all sectarianism!

It appeared, also, by the bishop's despatch, that "psalmody and organs had great attractions for them; that they seemed particularly fond of form and ceremony; and were greater critics than many persons would give them credit for." [Mr. Canning here said, across the table, that the persons alluded to could not surely be the negroes.] Yes, the poor negroes. The learned bishop no sooner arrives in the colony, than, with the eye of a lynx, he thus dives into all the depths of the negro character.—"From the great uncertainty and capriciousness," continued he, "of the negro character, it is difficult to make sure of their attendance, even where great pains have been taken; but, whenever a preacher is popular, they dress out their children and themselves —a sure sign they are in good humour." So, it seemed, that the better the humour the negroes were in, the better they dressed! "Psalmody and organs have great attractions for them: they seem particularly fond of form and ceremony." No great proof, by the by, of "the great uncertainty and capriciousness" of their character; at least in the eyes of a regular episcopalian, whom we might expect to find prone to rank such predilections among the indications of a solid and wise frame of mind—"and are greater critics than many persons will give them credit for; remarking every particularity of manner and gesture, and have a great predilection for a powerful sonorous voice" [a laugh].

The right reverend prelate then proceeded to say—"As soon as my archdeacon and myself have visited the several parishes, which we purpose doing immediately."—It appeared, then, that the bishop made this report before he had seen the people. Elsewhere, investigation generally preceded decision; in Jamaica, it seemed, it was to follow after. The learned divine reversed the usual course of proceeding—which was to see first and report afterwards; for he made up his report, in the first instance, and then said, that he would go and see what he had been writing about! The bishop went on thus—"I shall not fail to communicate to your lordship whatever I may deem useful and practical. In the mean time, I am happy in being able to assure your lordship, that a very general wish to ameliorate the condition of the slaves, and to instruct them in the principles of the established church, seems to pervade the great mass of proprietors, and every facility is afforded me of visiting the several plantations."

Now, whatever the bishop of Jamaica and his archdeacon might hold of the opinions of the negroes, he (Mr. Brougham) really could not help thinking, that the bishop and the archdeacon knew very little about the best way of teaching or educating the negroes. The fact was—and it was known to all who knew any thing of the West-India Islands—that the missionaries were the only real and efficient teachers of the black population; and hence the peculiar atrocity of that gross and scandalous outrage to the law, to the interests of religion, to sound policy, and the best interests of the planters themselves, which had been perpetrated, in so daring a manner, in the island of Barbadoes; and which was the subject of the present discussion. It had been said, that Mr. Shrewsbury should not have written the letter which had been alluded to. He could not, however, for a moment believe, that the letter was the cause of the ill-treatment which that excellent man had received. Confident he was, that the outrage was not directed against Mr. Shrewsbury as a libeller, but as a missionary.

It is now about a year (continued Mr. Brougham) since we were occupied in discussing another outrage similar to the present, as to the motives in which it originated; and I then solemnly adjured the House to redeem its pledge, if the planters persevered in forfeiting theirs; warning the planters, moreover, that we should one day do our duty, if they obstinately persisted in breaking all faith, and putting off for ever the day of amendment. Month after month has rolled away—and, what have they done? Nothing—or, rather, I cannot say nothing—but that which far more significantly than mere inaction, indicates their determination to violate every vow, and go on deceiving and mocking us, as long as we will submit to be mocked and deceived. In Trinidad, they have offered every impediment short of open resistance to the enforcement of the order in council. In no one of the islands have they carried the great measure of admitting negro testimony: and, in one only, have they attempted it. Yet, mark the instructive history of that attempt. A bill was brought in, providing for the competency of negro evidence, within very limited bounds, it is true—but still an important amendment of the law. The duke of Manchester reports on this step; and congratulates the government at home on the prospect of its being carried, as it had been brought in, without a division, and by the most respectable and leading member of the Assembly. But, soon after the date of his grace's despatch, came the first reading; and then, the division being taken, there appeared, out of thirty-five present, exactly thirty-four against the bill, and one single voice in its favour! This fact is a volume; and whoever, after this, shall expect much from colonial assemblies, will have himself only, and not them, to upbraid, for whatever disappointment he may experience.

But, if they abandon their duty—if they will not redeem their pledges—at least I will redeem mine; and unless, before the next session of parliament, I shall see them acting in good earnest, to shew that they are at length resolved to make amends for the time thus squandered away, I desire to be understood as now giving notice of my determination to present a bill to you, for the purpose of bettering the condition of our fellow subjects, the negroes, in all the British colonies. This measure will embrace the following distinct objects:—First; to make negro evidence admissible in all cases, in all courts, leaving, of course, its credit to the consideration of the court and jury: secondly; to prevent the use of the whip, as applied to women, entirely; and as a stimulus to labour, whether for men or women: thirdly; to attach all slaves to the soil, rendering them inseparable from it, in any circumstances: fourthly; to prohibit persons holding West-India property, or any mortgage upon such property, filling any office, civil or military (except regimental), in the West Indies: and, lastly; to secure, by such means as may be safe at once to the owner and the slave, the gradual, but, ultimately, the complete admission of that injured class of men, to the blessings of personal liberty [hear, hear!].

If I am alive and in parliament, I will, early next session, move you for leave to bring in this bill. I know that I shall have the zealous support of almost all who sit around me. I trust I shall have the concurrence of a majority of the House. I am sure I shall have with me the great body of the people, out of doors. Nor, should I be wanting, will this measure be abandoned. It is the result of mature deliberation; it is the fruit of extensive concert; it is now pressed forward after long delay, and great forbearance; and, as it signifies little to whose hands the proposal is intrusted, so by some one or other, will it surely be brought forward, even if I am no longer here present to discharge this duty; and, unless the West-Indians shall of themselves prevent it, let them be well assured, that it will, sooner or later, but probably at no distant day, be carried [hear, hear!].

Mr. *Bernal* said, that, after the great temper and moderation which had been shewn in the early part of the discussion, he could not help thinking it a little hard, that the hon. and learned member should have excursed into so wide and sweeping a field of invective. Those hon. members, who were either West-India proprietors, or were otherwise connected with the colonies, had not had any previous notice given to them, that they would thus be put upon their trial. Could any one have expected, after hearing the terms of the original motion, and the judicious and discriminating amendment of the right hon. Secretary for Foreign Affairs, that those proprietors would have been exposed to the unsparing abuse of the hon. and learned gentleman? From authority which was unquestionable, he could boldly state, that the hon. and learned gentleman was not warranted in the attack which he had thought proper to make on the House of Assembly in Jamaica. He denied, that the bill which that House had passed to prevent the arrest of slaves on a market-day was so much for the benefit of the master, as it was for the slave. The legislative Assembly of Jamaica had not been influenced by motives of a selfish nature. They had, he firmly believed, been actuated by the desire of considering the interests of the negroes; and of proceeding in a due course of improvement, temperately and steadily. But, why the conduct of the House of Assembly, or of the resident inhabitants of Jamaica, was to be brought under discussion upon the present motion, he was utterly at a loss to determine.—With respect to the immediate subject before the House, he admitted, that he had always entertained a great respect for the labours of the Wesleyan and other missionaries in the West-India Islands. Those labours had always tended to preserve that peace, which the gospel of Christ inculcated. Nor would he, for one moment, attempt to justify the outrage which had been perpetrated in the island of Barbadoes.—With regard to the excitement in that island, that might, in a great measure, be attributed to circumstances connected with what had taken place in other West-India colonies as well as in Barbadoes itself. The Barbadians, apparently, were under great irritation. The governor of Barbadoes, as would be seen from the papers which had been laid on the table, had been advised, that the provisions of the Riot act did not extend to the island of Barbadoes; and that the calling out of a military force in aid of the civil power, would have cast a burthen of considerable responsibility upon the governor; and, subsequently, the opinions of the first law officers of the Crown were applied for, and obtained, in England.—He must repeat his regret at the tone which the hon. and learned gentleman always assumed, when he spoke of the West-India Islands. It was a tone of menace; it was a hostile threat. It had no resemblance to the conciliatory advice of a sincere friend. If the hon. and learned gentleman thought that, by assuming such a tone, he stood a chance of doing good in the colonies, he was entirely mistaken: for, not only in Jamaica, but throughout the whole of the West Indies, nothing could be calculated more effectually to create irritation, than the course which the hon. and learned gentleman uniformly thought proper to pursue.

Mr. *Manning* said:—Mr. Speaker, I am very desirous of being permitted to say a few words, in consequence of what has fallen from the hon. member for Weymouth, respecting the inhabitants of the island of Barbadoes. The hon. member need not suppose, that it is at all in my intention to justify the outrage committed in that island, by the destruction of the chapel. I have, from the moment of its occurrence, always expressed, both in public and in private, my abhorrence of a conduct, which I had believed could only have existed on the coast of Africa. From all I have heard of Mr. Shrewsbury, with whom I have no acquaintance, I believe him to be a very respectable man; and this opinion is confirmed by Mr. Ross of Grenada, and other West-Indian proprietors.—It has fallen to my lot to have seen a good deal of the inhabitants of Barbadoes, as well those resident in the colony, as in this country; and I will take upon me to say, that a more honourable class of persons does not exist in any part of his majesty's dominions. There are many persons there of liberal education and considerable classical attainment, and who are wholly incapable of giving any sanction to the act, of which the honourable member complains.—It is true, Sir, that the hon. gentleman divided the community into four classes, and stated that, in the destruction of the chapel, neither the highest or the lowest classes were concerned; but that the mischief was done by persons of a middling rank.—It is, however, to be recollected, that just previously to this act, the news of the insurrection in Demerara had arrived; and many persons in Barbadoes were impressed with a notion, that the Methodist missionary there had been mainly concerned in promoting that tumult.—However lightly the hon. gentlemen opposite may think of these matters, I believe that, when any set of individuals conceive their lives and property to be in danger, they do not very coolly deliberate on the probable result of measures which they may take: added to which, about this time also was most unfortunately published a letter from Mr. Shrewsbury, written three years before to the Society at home, and which tended materially to inflame matters in that island.

It is much to be regretted, Sir, that the governor of Barbadoes was advised, that he had no power to call out the militia of the colony. I am persuaded that in this conduct he acted from the most honourable and conscientious motives; but, I conceive it would have been a very justifiable exercise of a constitutional duty, to have instantly suppressed this riot, by every means in his power.

Although the hon. member has acquitted the first and the fourth classes of any share in this disgraceful conduct, enough has been said, by him and by others, to leave an imputed misconduct upon the majority of the inhabitants. I am old enough, Sir, to remember lord George Gordon's riots in 1780; when, for three days, in the heart of this metropolis, the government was set at defiance by a lawless mob. As well might the hon. gentleman, if he had been a member of the House at that time, have called upon us for a general censure of the inhabitants of London and Westminster.

We have the best security, Sir, against the recurrence of such measures, in the gracious act of his majesty, in sending out the bishops and clergy to the West-India colonies; and it is gratifying to see the manner in which they have been every where received. This is the best answer to the many calumnies which have been thrown out against the proprietors of estates in that part of the world, asserting their reluctance to have religious instruction conveyed to their negroes. Although I should certainly prefer this good work being done by members of the established church, let me not on this occasion omit my debt of gratitude to the Moravian and the Wesleyan missionaries, who have certainly been very active, and done great service, in many of the colonies. In St. Kitt's alone there are above six thousand negroes in the congregations of the two societies to which I have referred; and, I believe, in Antigua a still larger number.

While I am on this part of the subject, I cannot omit to express my great regret, that the Wesleyan Society at home should have thought fit to disavow the proceedings of their missionaries in the island of Jamaica. A more injudicious measure, with a view to the beneficial results which we are all anxiously looking for, could hardly have been taken. These persons, from motives of conscience, thought fit to give us their observations of what they were daily witnesses of in that island—an act of justice on their part, and towards which I can boldly assert, from the best authority, that no influence whatever was exercised with them—it was the pure, honest impression of their own minds, and for which I lament to see they have incurred the displeasure of the board at home.—I think the conduct of the Society, in this instance, is likely to impede, rather than to promote, their future operations in the West-Indies.—I observe, however, in their report of December last, that their funds in the year had nearly reached 40,000*l*., and that they have applied a very large sum—nearly one-fifth of it—in the West-India colonies.

I cannot conclude without expressing my surprise, that the hon. and learned member for Winchelsea should, on this occasion, renew his attacks on the West-India legislatures; as if the application of harsh terms in this House, to persons at that distance, was the best means of obtaining a compliance with the wishes expressed in this place by the hon. and learned gentleman. I will take leave to express my opinion, that, although they may not advance so rapidly as the hon. and learned gentleman may desire, they are taking, in many of the colonies—and particularly in Jamaica and Grenada—such measures, as will gradually and safely bring about such an improvement in the condition of the slave-population, as all reasonable persons can desire. I have no wish to offer any objection to the amendment moved by the right hon. Secretary for Foreign Affairs, though it is a matter of regret with me, that, after so considerable an interval of time, it has been thought necessary to call upon this House for an expression of its opinion. I should very much have preferred, that the parties offending had been punished by the due course of law.

Mr. Secretary *Canning* said, by way of explanation, that it appeared to him, that the hon. gentleman who had just addressed the House, considered the amendment as comprehending the whole of the population of Barbadoes, and as casting a censure upon them all. This, however, was not the case. It reflected upon nothing but the act; for one of the difficulties, and, indeed, the great difficulty of the present case was, that the actors were not known, and therefore could not be brought to justice. The hon. gentleman had also alluded to the riots which had taken place in London, in the year 1780. There was, however, this distinction between that and the present case—the law, for a time, had certainly been defied; but, every exertion had afterwards been made, by the community to bring the offenders to justice, and many of them had been so brought to justice. Such had not been the case at Barbadoes: a great outrage had been there perpetrated; and, although it must have been committed within the knowledge of half the population of the island, not a single individual had been brought to account. He did not, therefore, intend, in moving the amendment, that all Barbadoes should be censured by it; but, as that society could not be in a sound and healthy state in which such outrages could be perpetrated with impunity, and not only perpetrated with impunity, but threatened to be repeated, he considered an expression of the sense of the House, upon so scandalous and daring a violation of the law, was absolutely called for.

Dr. *Lushington* said, it appeared to him, that the hon. member for Lymington, (Mr. M.) had failed in making out a defence for the extraordinary conduct of the white population of Barbadoes; whose supineness, under what had occurred, placed them in a situation very little better than that of accessories after the fact. The magistrates of that island had not only manifested a culpable remissness in the discharge of their duty, but had evidently shewn a disposition to secure impunity to those who had committed the most disgraceful outrages against the laws of the island, and the peace of the community. It was not negligence, but wilful misconduct, that he imputed to some of those magistrates. It appeared, from the papers on the table of the House, the correctness of which was not disputed, that two of their magistrates, though cognizant of the outrage about to be committed, had concealed from the government the knowledge of the illegal acts intended to be done; and they had thereby prevented the timely interference that might have stopped the commencement of the riots, or have enabled the governor to suppress them before the object was accomplished, and to have detected and brought to punishment the guilty: nor had the local authorities, after the disapprobation of the governor had been publicly declared, redeemed their character, by any zealous exertions to bring to trial the delinquents. He was satisfied that the magistracy of Barbadoes had no just feeling of the atrocity of these transactions, and that their errors were wilful.—The utter inefficiency of the magistracy was not more to be censured, than the morbid state of feeling in the white inhabitants was deserving of reprobation. In what way had the Barbadians expressed their abhorrence of those scandalous acts? They had expressed no such abhorrence at all; and were, consequently, guilty of a criminal acquiescence in the offences which had been committed. He would take that opportunity of telling the West-Indians, that, so long as they continued to shew such a total indifference to the due administration of justice and the feelings of humanity, and such a contempt for the declared sense of that House and of the country, so long should he continue to take every opportunity of exposing unjust and unjustifiable proceedings.—

Censure had been cast upon the Wesleyan Society at home, for having manifested their disapprobation of certain resolutions published in Jamaica, by some of their missionaries; but, instead of censure, that body deserved the highest commendation for their immediate disclaimer of the unauthorized acts of a few of their missionaries, and for their bold and uncompromising avowal of the true principles of religion, justice, and humanity. That most respectable body had, very properly, declared their conviction, that slavery was inconsistent with Christianity. And, was there any man in that House who would rise up and say, that slavery was consistent with Christianity?—that the mild and benevolent spirit of Christianity warranted a system, under which the wife was torn from her husband, the child from its parent, the sister from her brother? When gentlemen set about founding measures of legislation on such a system, the ground sunk from under them: there was nothing in nature or in reason to support the superstructure. It was no wonder that the House should feel itself in an embarrassed situation, with regard to the government of these colonies: for, whenever an attempt was made to legislate on a system of slavery, difficulties would always arise, to perplex and confound the sagacity of the most skilful legislator.—He approved of the recent measures for sending out two bishops to the West Indies; but he sincerely regretted, that the first act of the bishop of Jamaica should be, to appoint the rev. Mr. Bridges as his chaplain—a gentleman who was only known as the libeller of Mr. Wilberforce. Such an appointment, he must acknowledge, had considerably shaken the trust which he might otherwise have been inclined to place in the new establishment. For, however he might differ from many of the opinions of Mr. Wilberforce, he could not avoid saying, that that enlightened and benevolent man had, by his invaluable exertions to obtain an abolition of the barbarous traffic in human flesh, built up for himself a character, which time could not efface, and which was entitled to the applause and everlasting gratitude of every one who was an enemy of slavery.

Mr. *Fowell Buxton* rose to reply, and spoke as follows:—I hardly know, that it is necessary for me to trouble the House with any reply. No defence of the conduct of the rioters has been offered. The hon. under Secretary has borne testimony to the accuracy of my statement; and, the right hon. Secretary of State for Foreign Affairs has, with his usual manliness, given vent to feelings of indignation in language at least as strong as any that I used. Upon what, then, have we now to dispute? The facts are confessedly true—the inference is undeniable. The right hon. gentleman alters a phrase or two of my resolution. With this I am abundantly contented: for he has left me—and that is all I care for—the declaration of the Commons of England, that we will have religious toleration in the West-Indies.—I rejoice that the discussion has taken place. It has given an opportunity to my hon. and learned friend (Mr. Brougham) to state the course he will pursue in the next session; and every man who is interested in the welfare of the negro population will join me in considering his pledge, and the dedication of his most extraordinary talents to the cause, as the greatest matter of congratulation which we have yet enjoyed. I would hope, however, that the planters will avert the necessity of his interference. I would entreat them to take warning, before it is too late; I would say to them, "You have interests greater far than any other class; and interests which will be decided by your conduct now. The Abolitionists would pretend, that such enormities as those which I have described, are natural to slavery. We do insinuate, that, in a state of society where one class are masters and the other slaves, there must be, and will be, cruelties, and blood, and a deadly hatred of all those who would impart knowledge or Christianity to the negro. But, it is your part to dispel the delusion, if it be one—to separate slavery from these its wretched accompaniments—to sever your system from a system of fierce persecution—to give the people of England the satisfaction of knowing, that there is law and justice for the negro and his teacher. You are in a perilous condition. The reproach of slave-holding is as much as you can endure. If you expect favour,—if you ask toleration from the people of England, you must demonstrate, that slavery is not inseparably connected with a host of other and if it be possible, greater evils than itself."—If I were merely an enemy of slavery—if its extinction were the single (as I admit it to be the chief) object of my life—I should say—"Go on—persevere—pour needful conviction on the minds of the most incredulous—demonstrate to the world, that for eight hundred thousand of our fellow creatures, there is no mercy to be expected." "Proceed," I should say, "open the eyes of the people of England. You have had your triumphs. The missionary Smith sleeps in his grave, branded as a traitor—the missionary Shrewsbury is an exile: his persecutors keep the anniversary of his sufferings, as a festival—the gallant Austin, because he acted with more true heroism than the conquerors of Austerlitz and Waterloo—because he singly stemmed the torrent of persecution, has lost his golden certainties of preferment, and is at this moment earning the scanty bread of a stipendiary curate in an English village. Proceed, then, faster and faster: you are doing our work; you are accelerating the downfall of slavery. A few more such triumphs, a few more such speaking testimonies to the merits of your system—and the people of England, with one heart, will abhor it, and with one voice will dissolve it."—But, enemy as I am to slavery—and nothing human shall win me or drive me to be any thing else than a foe to slavery—I am not for its rapid and terrible overthrow; and, therefore, I raise my voice in this House, warning the planters, that if they repeat these outrages—that if they will link persecution to slavery—slavery, which already totters, will fall.

The original motion, and also the amendment, were then, with the leave of the House, withdrawn, and

It was resolved, nemine contradicente,

"That an humble address be presented to his Majesty, to represent to his Majesty, that this House, having taken into their most serious consideration the papers laid before them, relating to the demolition of the Methodist chapel in Barbadoes, deem it their duty to declare, that they view with the utmost indignation that scandalous and daring violation of the law;

and having seen with great satisfaction the instructions which have been sent out by his majesty's Secretary of State to the governor of Barbadoes, to prevent a recurrence of similar outrages, they humbly assure his Majesty of their readiness to concur in every measure which his Majesty may deem necessary for securing ample protection and religious toleration to all his Majesty's subjects in that part of his Majesty's dominions."

Registry of Ships' Bill—Combination of Workmen.] Mr. *Huskisson* moved the third reading of this bill; and then proceeded to state, that he had a clause to propose by way of rider. By the law of this country at present, no British ship could be repaired except in the ports of this country, unless the owner could show that the ship had met with some accident which rendered the repairs in a foreign port necessary; and then, so jealous had been the law on this subject, that he was only to have repairs done to a certain amount per ton. At present, in consequence of a combination among the shipwrights, carpenters, and other persons employed in building and repairing ships, it was impossible to get any ship repaired in the Thames. For several months past there had been no work done in the port of London, in consequence of those combinations which had been entered into, not in reference to the rate of wages, but in reference to the mode of employment. During that part of the year, in which the men were most actively employed, the ships had been lying idle and going to decay, because the necessary repairs could not be procured. If these parties entered into combinations with a view of dictating to the masters the mode of employing their capital, and of imposing a certain line of conduct on other shipwrights; if they listened to delegates, and had permanent sittings; it was high time to show them the folly of their proceedings, by enabling the ship-owners to procure those repairs for their ships elsewhere, which were refused them in London. That this was not a combination for a rise of wages was evident, from the president of the delegates having told the master ship-wrights, that it was a contest between capital and physical strength, and that the latter must succeed. It became the House, under these circumstances, to protect those who were suffering under this combination. He should propose, then, to add a clause to the bill, allowing, for a limited period, ship-owners to have their ships repaired in foreign ports, and it might be hoped that in a short time these deluded men would see the folly of their proceedings, and the danger to which they were exposing their best interests. It was, in his opinion, highly necessary that some measures should be taken to check the present state of excited feeling and perverted disposition of the mechanics of this country, which would otherwise become one of the greatest moral evils the country could suffer. He should propose by the clause therefore, that during the next two years, on any ship-owner showing, satisfactorily, that he could not get his ship repaired in the port of London, owing to a combination among the shipwrights, it should be lawful for the privy council to grant him permission to get his ship repaired in foreign ports. If this measure were adopted, and it was the most gentle way of dealing with these deluded men, he did not doubt but they would soon become sensible of their error, and that capital and industry would be again directed in the most beneficial manner, both to them and to the country. There was also a combination among the seamen out of the port of London, and some other ports, particularly Newcastle and Shields, and he meant to apply a similar regulation to them. He was one of the last men to wish to infringe on the Navigation laws, but, under present circumstances, he thought it was necessary that a power should be given to the privy-council, to allow ship-owners also to man their ships with foreign seamen.

Mr. *Ellice* entirely concurred in the measure of the right hon. gentleman, but he regretted that it was not carried further. He could not understand, why a ship-owner should not, at all times, be allowed to have his ship repaired, at the cheapest place.

Mr. *Robertson* opposed the measure. The House was about to give up our Navigation laws, and sacrifice our maritime superiority, because some of our people combined, and it did not know how to put a stop to this combination. He had always opposed the measures of ministers; for he foresaw they would lead to discontent. They had thrown open our trade, and had allowed ships to come here with cargoes, and afterwards to engage in our trade. The people of this country saw the cheaper labour of the continent poured in on them. They could not live as the people on the continent lived. They wanted more comforts and higher wages; and they entered into combinations to obtain those higher wages. If we now employed foreign shipwrights and seamen, we should drive our own men away to the ports of the Baltic, or to America. In his opinion, every branch of industry in this country ought to be protected. The House would not do this, and proposed rather to grind and oppress the people. The trade of the country was going to decay, under the new regulations of his majesty's ministers. He would put down combinations; but he would not allow of the introduction of foreign seamen, to the ruin of our maritime superiority.

Mr. *Hume* thought the hon. member completely misunderstood the nature of the measure. Nobody in that House wished to reduce the pittance of the labourer. When individuals interfered to prevent other persons from taking work, or following their own inclination, the law should give them protection.

Mr. *Bright* contended, that this clause introduced an entire new principle into our law, and wished it should be postponed, and made the subject of a separate measure.

The clause was agreed to, and the bill passed.

HOUSE OF LORDS.

Friday, June 24.

EQUITABLE LOAN BILL.] Lord Dacre moved for the third reading of this bill.

The *Lord Chancellor*, in opposing the motion, said, he did so without the slightest intention of casting any imputation on the persons who composed this company; many of whom he knew were highly respectable. The learned lord then proceeded to show that the company was instituted on unfair pretensions. It was proposed, that it should lend on pledges sums under 10*l.* at a lower interest than the pawnbrokers. Now, as the number of persons composing the company might amount to about 7,000, was it fair that a body so constituted should compete with individuals? The result would be a monopoly, the establishment of which could not be for the interest of the public. This company might lend at a low interest, all competitors were driven out of the market, and then do as they pleased. The power of suing the clerk was no advantage to the public. If a judgment was got against the clerk in a civil action, and he could not pay, was the prosecutor to proceed against all the 7,000 partners? If a criminal action might be successful against the clerk, those who had the option of bringing it were placed in the difficulty of either punishing the innocent, or of abstaining from seeking any redress whatever. For the encouragement of companies of this kind it would, perhaps be thought necessary to repeal the act of Geo. 1st, called the "bubble act;" but, if that were done, he should not much care, for he could tell their lordships' that there was hardly any thing in that act which was not punishable by the common law. The learned lord re-stated the opinions he had at different times in that House, as well as in the court of Chancery, delivered on the subject of joint-stock companies, and concluded by moving, that the bill be read a third time that day three months.

Lord *Dacre* said, that as to the advantages of the bill, surely, to lend small sums under 10*l.* at an interest of 20 per cent less than that charged by the pawnbrokers was of itself a benefit to the country. He contended, that the lord chancellor had not taken a correct view of the preamble of the bill. It embraced not only pawnbrokering, but also advances on goods and profits. The learned lord had also overlooked the effect of certain clauses in the bill, which made every member of the company liable in person as well as in purse. It had been admitted by the learned lord, that the bill had been drawn by an able hand; and he had the opinion of an authority, only second to the learned lord, that it contained nothing that could be legally objected to. The bill was calculated to afford great benefit to the country; and it would therefore, be matter of deep regret to him, if it should be rejected.

The House then divided: For the third reading; Content 14; Not content 27; Majority against the bill 13.

HOUSE OF COMMONS.

Friday, June 24.

CONDUCT OF MR. KENRICK, IN THE CASE OF CANFOR.] The order of the day being read, for taking into consideration the petition of Martin Money Canfor, presented on the 14th [see p. 1143], the

House resolved itself into a committee of the whole House, Mr. R. Gordon in the Chair. Mr. Gurney and Mr. Bolland appeared at the bar, as counsel for Mr. Kenrick.

Martin Money Canfor was called in; and examined as follows.

Mr. *Denman*.—In the course of last summer, were you a farmer at Charlwood in Surrey?—Yes.

Did you, in the June of that year, lose any sheep that were feeding on Charlwood Common?—I lost some in May. About twenty.

Was there a ram among them?—There was.

Did you commence a search after the sheep you had lost?—Yes; I searched a whole week.

Did you find them at length?—Yes; at a place called Westwood Common. [The witness was informed that he must not refer to the printed petition in his hand, in the answers he gave to the questions proposed to him.]

How far is that from Charlwood Common?—It may be five, or it may be six miles.

Did you find the ram among the rest?—No. I found six ewes and five lambs.

Were they marked in any particular manner?—They were. It was a mark I had made up with a composition of gas-tar, gas-pitch, and salt grease.

Is that an unusual mode of marking sheep?—Very.

Did you ever know sheep so marked before?—Never.

Did you find the ram afterwards?—Oh! yes.

Was that marked in the same manner?—Yes.

Where did you find the ram?—In a fold along with some more sheep in a field that belonged to a man of the name of Beale or his mother, I cannot say which.

When you found the ram, had it the fleece on, or had it been shorn?—It was shorn.

Was it shorn when you lost it?—No.

Did you see William Beale after you had found your ram in his fold?—Yes.

Did you tell him any thing about your ram?—I asked him where he got that ram from; he was some time before he would tell me; at last I said, "Did not you have this ram from Westwood Common?" and he admitted that he had. I asked him whether he had sold his wool; he said, he had not; I asked him whether he would produce the fleece off that ram, he said, no.

Did you require him to give up possession of the ram?—Yes.

Did he do so?—No.

Did he say how he had come by it?—He said he had taken it off Westwood Common, thinking it was his. I asked him whether it had not got a black smudge mark on the right side.

Was that a description of the mark upon your ram?—It was; and he said it had.

Were any of his sheep marked in that manner?—Oh no, nor any body's else but mine.

In consequence of his not giving up this ram, did you ask to see the fleece?—I was sure of the ram, and I asked after the fleece.

Did he give you the fleece?—No, not then.

He refused?—Oh yes.

In consequence of that, did you inquire for the magistrate?—Yes, I did. I was referred to one Mr. Kenrick.

Did you know Mr. Kenrick before?—No.

Do you remember what day it was that you went to his house?—On a Monday morning.

Do you recollect the day of the month?—No. I know it was in June. It might be one, or it might be two o'clock, but country clocks vary so.

Whom did you see there?—I saw a gentleman there; I found afterwards that his name was Adams.

Was he Mr. Kenrick's butler?—Yes.

Did you tell him what you came about?—I told him I wanted to see the magistrate; I had forgotten the name. He said, "What do you want?" I told him I wanted to see the magistrate; he said, "What is your business?" then I thought he was the magistrate, so I began to tell, and last of all I asked him whether his name was Kenrick? he said, "Oh, no, it was not, he was only a servant;" then I refused to say any more to him, and told him I wanted to see the magistrate; he said, "it was past the hour of Mr. Kenrick's doing business." I said, "Very well;" then he told me if I told him, perhaps he could assist me.

Did you tell him?—Yes, then.

Did you tell him the same as you have now told this House, about the loss of the sheep and the marks?—I was beginning to tell him; then when I found it was not Mr. Kenrick, I stopped.

Did you afterwards, when he said you might tell him, tell him the particulars?—Yes.

That being done, were you shown into Mr. Kenrick's room?—I was, by Adams.

Did you then tell Mr. Kenrick what you have stated now?—I told him I came there for a search warrant, that I had lost a great many sheep, and I had rode 500 miles to find them, and I had traced one into the possession of a man of the name of Beale; he asked me a great many questions how I could prove it to be mine, and how I could prove he had taken it; I told him I had got a chain of evidence to prove that he took it, and that I had seen the ram and could swear to it, and that all I wanted was a search warrant to search for the fleece, in order that I might prove where I had the ram; that I might prove it was my property by the man of whom I bought it. I told him the man would not give up the property, and that I wanted a search warrant for the fleece.

Upon that application being made, did Mr. Kenrick proceed to write any thing?—Yes.

While he was writing, did Adams say any thing to him?—Adams left the room and he came in with a paper in his hand. Kenrick said, "what have you got there?" Adams said, "Sir, it is the form of a search warrant." Mr. Kenrick says, "this note that I am writing, will answer the same purpose." I told him I did not come there for a note, that I came there for a search warrant, and if I lost my property through that note, I certainly should look to him afterwards; that I should go to my solicitor, Mr. Burt, at Reigate, and from there we must go to another magistrate.

What did Mr. Kenrick say to that?—He flew into a great passion. He ordered me to leave the room, and if I did not go he would send for a constable to take me out. When I said I must go to my solicitor, "do not talk to me about solicitors, or I will have nothing to do with it." I told him then I was very sorry to think he should be offended at what I had said, for that I had rode till the blood nearly came through the knees of my breeches from riding so far; that I was sorry he should be offended, and I begged him then to go on his own way. Then he finished this bit of paper.

Have you got it here?—I do not know that I have.

He gave you a bit of paper?—Yes, he gave it to Adams.

When he had written that note, did he say any thing about the christian name of Beale?—Yes, he asked the christian name of Beale, and Adams says, "the name of ours is James, and the one charged, I think, is William."

When you had got your note, was any thing said about a constable?—Mr. Kenrick told Adams to give it to me, and that I might take a constable with me; and then, before the note was put into my hands, he said, "Oh! a constable is unnecessary, you may take it yourself."

Did you then take the note to W. Beale?—Yes; I took it to his mother's house.

Did you find him there?—No, I did not; then, as I could not find him, I made sure of the ram. I put him into the grounds of Mr. Nash, the next field to his, may be next but one or so. After I had taken the ram, in going home I stopped to bait my horse at a public house, and while I was there who should come in but this Beale. I offered him the note; I said, "here is a note from Mr. Kenrick," he said he would have nothing to do with it. I asked him if he would produce the fleece, he told me he would not; I said, I thought Mr. Kenrick was a great friend of his.

Did he then refuse to give up the fleece?—Yes; I told him I had taken the ram, and he swore that he would go and take it again, for I never should have the ram, and that he never would produce the fleece; that was said in the presence of two or three people.

After that, did you go before Mr. Burgess, another magistrate?—This was the Monday that I was along with Mr. Kenrick; on the Tuesday I went off to another magistrate.

How near does he live to Mr. Kenrick?—I suppose about three miles.

You went home that night?—Yes; I saw Beale at Reigate on the Tuesday, and I asked him if he had brought the fleece with him, before a person of the name of Cutler; he said, he had not, nor he never would; Mr. Cutler said, Canfor, this looks bad, do not drop the business.

Did you go to Mr. Burgess?—Yes.

Did you apply to him for a warrant?—I did.

Did he grant you one?—No.

Did he give you any reason for declining to act?—He was going on very well till I told him I had a note from Mr. Kenrick.

What did he say then?—He said, oh! he was very sorry I had not come to him in the first place; if I had, he would have attended to it, but it would not be behaving like a gentleman if he interfered, as Mr. Kenrick had charged a man with felony.

The note mentioned the charge of felony, did it?—It did; when he saw that he refused to go on, he said it was a charge of felony, and therefore it would not be handsome in him to go on with the business; that it would not be behaving like a gentleman; I told him that I had been riding 500 miles. He recommended me to go to Mr. Kenrick again.

Did you go there again?—Yes; on the Wednesday morning.

Did you see Adams again?—No; I saw Beale first, in the grounds along with his brother, Kenrick's bailiff.

You saw the two brothers together in Mr. Kenrick's grounds?—Yes.

Did you tell him what you came for?—Yes; I asked Beale whether he had brought the fleece; he said, no; and he snapped his fingers and said, go on, I will see it out with you, and made a kind of laugh.

Did you go to Mr. Kenrick's house?—Yes.

Did you then see Adams again?—I did. He asked me what I came for; and I told him I came about this business of Beale's. He said he had orders from Mr. Kenrick, that if I came, he was to say I was to go about my business. Then he said, "Mr. Beale has been here, and says, it is to be left to Mr. Nash and Mr. Cutler to settle." I told him that I knew nothing about it. He says, "will you call Beale;" I told him I did not know that I had any business to run backwards and forwards; that I had had riding about enough; he said, "I wish you would go and call him."

Did you?—Yes.

Did Beale say it was to be left to reference?—He came down then to Adams and me; and Adams says, "how is this Beale?" Beale says, "Mr. Nash told me, in coming home from market, Canfor would leave it to him."

Who is Nash?—He is a land agent of Kenrick's I believe.

What passed more?—Beale said, he would produce the fleece; I said, "then if you will produce the fleece, I will leave it to any body, I do not care who it is; all I want is the production of the fleece;" then he agreed to produce it before Mr. Joseph Nash. Then he brought a friend of his, by the name of Ede, who lives close by him,

Did Beale produce the fleece for Nash and Ede to look at?—Yes.

Did you produce another fleece of your sheep?—No, I produced a mark off another sheep, by their desire.

Did they decide whose fleece it was? They said it was mine.

Were they long in deciding it?—Not after I produced that; but they made me go home, all through such roads up to the horse's belly, but directly that the fleece was out of the sack, before it was unwound, I said, "there is my mark here;" one of them says, "you must be wrong;" when it was unwound, in the room of the mark being in its proper place, this mark was pulled all to pieces, and put into the band, which is the thing they tie round the fleece, I saw my mark outside, and said "that is my mark."

Did you go home to fetch another mark?—They said it was impossible for them to decide, though it looked queer, without their seeing another.

Did you go and fetch another?—I went part of the way, and then I sent a lad to cut another off.

Did you produce that which was cut off?—Yes.

And they decided the fleece was yours?—Yes. They wrote two notes, saying they were satisfied the sample fetched by me, corresponded with the fleece produced by Beale.

When they had done this, did you go to Mr. Kenrick's with the fleece, the ram, and those notes?—I did.

Were you shown into the room?—I took those notes of Nash and Ede with me, and I saw Adams again. Adams asked, "Well, what's the matter now?" I told him I was come to prove to Mr. Kenrick that I had not applied there without a just cause, and that I had brought two notes to shew him; and I gave him the two notes; he took them away somewhere, and in the course, perhaps, of five minutes or more, he comes and says, "Canfor, you are wanted," and then away I go with him.

Where to?—Down into Kenrick's house; then, when I got into the parlour, he said to Adams, "Shut the door:" he said, first of all, "Where is that note I wrote;" I told him it was in my pocket; he says, "then deliver it up:" I said, "Sir, I will give you a copy of it, or I will let you have it to look at, if you will give it me back again."

What did he say?—He said, "Adams, shut the door."

Did Adams do so?—He did. Then he said, "Now Adams, I appoint you a special constable, you take and search him for the note."

Did Adams proceed to search you?—He came up to me for to search me, but I would not be searched by him, and I told Mr. Kenrick, at his peril to search me.

What was done upon that?—Then there I was.

How came you to remain there?—Because Adams was at the door, and Kenrick went and shut down the window. Then Kenrick wanted the note, and I said, no, I should keep it. Then he says to Adams, "Send for the constable of the parish." After a good long while I was there, and by and by a constable came; but, however, while they were gone for the constable, I wanted a pen and ink to take a copy of it, but Mr. Kenrick would not let me have a pen and ink. Paper I had got in my pocket, but he would not let me have pen and ink. When the constable came into the room, Mr. Kenrick says, "Constable, there is your prisoner," pointing to me; so the man looked and stared some little time, and did not know what to make of it. Mr. Kenrick says, in a tremendous passion. "Constable, do your duty, take and search him, for a note he has got." He told me it was Batchelor; and I asked him whether he was the constable of the parish, and he said he was, but I do not believe he shewed me his staff.

Did you say any thing when he said he was the constable?—No; I said if it is so, it must be so.

Did you give back the note?—No, he took it from me; he unbuttoned me; and I held out my pocket-book, and he selected this note from amongst different papers in my pocket. When he had got the note, Mr. Kenrick said, "Now, constable, take that fleece."

Did he take it?—He did. Then he said I might go about my business, but I would not go until the fleece was sealed up. I would not go until the constable gave me a note, saying he had searched me by order of Mr. Kenrick; then I left directly.

Did you bring an action afterwards against Mr. Kenrick for this?—Yes, directly.

It stood for trial at the last assizes for Surrey?—It did.

Was there a compromise made?—There was.

Five pounds damages, and all costs?—All expenses that I had been at, as well as all loss I had been at in the business, was to be made good to me.

Those damages and costs have been paid you?—No; not my expenses that I had been at in the loss of time.

Not the expense of following up the sheep?—No; nor travelling to town, and being away from home; I had a stack of hay that was worth more than a 100*l.* completely spoiled, all through Kenrick.

How long were you from home searching for these sheep?—Altogether a fortnight; it was a week before I got information.

Who was it that proposed the compromise at the assizes?—I cannot say; I was out of court at the time, and I know nothing about it. I believe Mr. Gurney can give the information, if it is required.

Cross-examined by Mr. *Gurney.*

When you applied to Mr. Kenrick for a

search warrant, did he state that he understood Beale to be a farmer of good character, and not likely either to steal a sheep or make away with the fleece?—No, certainly not.

When you urged to have a search warrant, are you sure Mr. Kenrick did not say he did not think it a case for a search warrant?—To be sure he did not; he said that what he was writing would answer the same purpose, or words to that effect.

Before you presented a petition to this House, did you threaten Mr. Kenrick if more money was not paid you, you would do any thing to him?—Never.

Did you threaten him that you would "tackle" him if he did not?—Very likely; I wrote to the attorneys to know whether it was Mr. Kenrick's desire or by his wish, they had settled it so that I should be at the loss of 150*l.*

Mr. Kenrick paid the costs?—I do not know what he paid.

Do not you know that he paid above 130*l.* in costs?—He might, but I know nothing of that.

You made a further demand?—Certainly, according to the agreement.

Did you not threaten, that if Mr. Kenrick would not pay that further demand, you would tackle him again?—I said, that if I was to be at that loss I should tackle Mr. Kenrick again.

Examined by the *Committee.*

By Mr. *Denman.*—Is that the note given you by Mr. Kenrick?—[The same being shewn to the witness.]—This is the note that Mr. Kenrick gave to me to take to Beale.

Read it?—"These are to request, you will deliver to the bearer, the fleece of a sheep, admitted to have been taken by you from Westwood, in order that it may be produced in evidence before me on a charge of felony, or bring it with you to my house, or show cause why you should not do so. WM. KENRICK."
"To William Beale."

By Mr. *Peel.*—Was the ram, when you found it, in an open fold?—In an open field; it was inclosed in a fold.

The fold was open?—It was not covered in at the top. It was along with his sheep in a fold, as that might be, with hurdles all round.

Any person passing by might at once see the ram?—Yes, if they would ride up to that part of the field.

What reason had you for going to that particular field?—I had got some information where to go; I had a man that saw Beale take it off the common.

Did you mention that to Mr. Kenrick?—I told him that I had got a chain of evidence that I could bring it home to him; and that it was as clear as noon day.

How can you say, that no persons mark their sheep with this composition but yourself?—There never was in that part of the country.

Can you undertake to say that?—I will go so far as to defy you to bring any one forward to say, that any one marked so; it was not a regular thing at all. But I can state how I came to mark them so, if you wish to know about it; when I had these twenty sheep sent home to my house, we had not got any of our regular pitch mark in the house; they were Welch sheep, nineteen of them; they are given to stray. I said, I will mark them so that if they do go away I shall be sure to know them again, and I mixed up this composition for those sheep, because I had not any other regular composition.

It was a composition you had heard of before as a good composition?—No, it came into my head; it was a thing that never came into any person's head before; taking gas-tar and gas-pitch and salt grease to mark sheep with.

Were the other sheep that were in the fold with the ram, shorn also?—They were all shorn.

How many sheep do you think there were?—I cannot say, whether there was fifty or sixty or seventy; all the notice I took was of that ram.

You found no other of your sheep there?—No.

Did you hear that the party who stole the ram, had found that ram singly?—I never heard that; only I saw a man that saw him take it away.

Did he catch it?—He and his man took it; I suppose he must have caught it, or he could not have taken it away.

How did he catch it?—I cannot say; the party who saw him take it away can explain that best.

What was the chain of evidence you had?—The man that saw him take the ram. The man's name was Hugget.

He told you that he saw Beale take the ram?—Yes.

Did he tell you whether the ram was single or whether the others were with it?—I will tell you all about it: when I first got information of this sheep being at Westwood, away I goes, and the roads were shocking bad. In going up Westwood-common I saw six sheep and five lambs of my sheep; I got a-top of a hill and saw a little house down in a hollow; I said I would go down there, that is a likely place to inquire, and so I went down; this was on the Sunday, about one o'clock. I saw a man, and asked him if he had seen any sheep marked with such and such marks; the man said yes, he had; there had been some lying about for a fortnight about the commons; I said, "Have you seen any thing of a ram among them, a South-down ram, a very handsome made one?" "Yes," says he, "I did, but that is gone, that Ram is gone." I said, "Gone!" "Yes," he said. I said, "Now, my friend, will you go along with me?" he said he was just going to dinner. I said, "I will pay you something better than getting your dinner;" the man said, well he would; then off we went, and when we got on to this common, "Now," says I, "my friend, if you see any sheep marked like the ram, point it out."

I dare say there might be a hundred different marks, all manner of sorts on the common. I had not told him then I had found my sheep on the common; that I had found eleven sheep there. Well, we go along walking past one and past another, and by and by we came up to one, he said, "this sheep is marked like the ram." I did not say then it was mine; he goes a little further, and by and by he comes to another, and says, "this sheep is marked like the ram;" then says I, "those are my sheep; now who took the ram?" then he told me; that was exactly how I found it out.

What was the particular mark?—Nothing but a black smudged mark, no letters at all.

Did he describe the circumstances under which the ram was taken, whether it was by night?—No, in the day time I think; in the evening.

And he told you he saw Beale take it away?—Yes, or he could not have told me where to go for it; that he saw the ram in his possession.

Did he tell you that he saw Beale take the ram away?—He told me he saw him with the ram in a string.

What was the value of the ram?—I would not have taken any money for him, for I had him on purpose to breed from; the value of him might be five and forty or fifty shillings.

You explained to Adams that Beale was the person whom you charged?—I told him that was the man by the name of Beale.

Did Adams know that Beale was the man you charged when he brought a search warrant to Mr. Kenrick?—I cannot say that.

By the *Attorney General.*—Did you mention to Mr. Kenrick that you had seen a man of the name of Hugget, who had seen Beale lead away this ram from the common by a string?—Certainly not, he did not go into the detail of facts; I told him I had a chain of evidence; that I had clear proof he had taken my property; that I had been to his fold and I had seen the ram.

You did not state the chain of evidence or mention the name of Hugget?—I cannot say that I did; I do not know whether I knew the man's name then.

Did you tell Mr. Kenrick you had seen any man that had seen Beale lead away the sheep with a string?—I cannot say whether I did or not at that time; all I can say is, that I told him I had a chain of evidence against the man.

You were satisfied, from the description Beale gave you of the mark, that it was your mark?—Certainly.

And you told Mr. Kenrick what the mark was?—Yes.

Did not Mr. Kenrick tell you, "Beale is a very respectable man, I have no doubt he will come when he is called for?—No, he did not."

Did he not tell you this was a subject for a civil action?—No such thing.

Did not Beale say that it was his sheep?—At first he did, and stuck to it.

He said the first time that it was his ram?—Yes, and the second too.

Did you not tell Mr. Kenrick he insisted it was his ram?—I said he refused to produce the fleece.

Did you not tell Mr. Kenrick he said it was his ram?—Certainly, he claimed it.

And that he described the marks on the fleece just as you had described them?—I asked him whether the ram he took had not this particular mark, and he said it had, and that he thought it was his ram, and that somebody else had taken it, and marked it afresh.

That you told Mr. Kenrick?—I cannot say whether I did or not.

Did you not tell Mr. Kenrick, he claimed it as his ram?—No.

I thought you stated, that you had told Mr. Kenrick all which had passed between you and Beale?—No.

How came you, when applying for a search-warrant, not to tell him all which had passed?—He asked me a hundred and fifty questions, and I told him all he asked me.

He asked those questions for the purpose of determining whether it was your property or Beale's?—I do not know what was his reason; I told him I had evidence to prove it was mine, and that I could prove whom I bought it of.

Did you not tell him also, that Beale said it was his?—He said it was his; Beale said he took it through a mistake.

When did he tell you that; that was afterwards, was it not?—That he thought, at the time when I applied to him, that somebody had marked it a-fresh.

Did not he insist upon it as his property?—He said it was his.

Was it not referred to Mr. Nash, for the purpose of determining whose property it was?—Not by me; not till I was forced to it.

Who appointed Mr. Nash?—I believe Adams or Beale.

Who named Mr. Ede?—Who named Mr. Ede; this Beale brought him with him; but he was not named at all; his name was not mentioned at Kenrick's.

How came it to be referred to him?—When Beale went home to fetch this fleece, he brought a friend with him; and this friend turned out to be Mr. Joseph Ede.

It was referred to those two persons, to determine whose property it was?—It was referred, to see whether it was my fleece or not.

By Mr. *Brougham.*—What did Hugget tell you he had seen Beale do with the sheep?—That he had seen him take it.

You were understood to say, he had seen it with a string?—Yes.

Not that he had seen him take it, but that he had seen him with it?—That he had seen him go past a public-house.

He did not say he saw him take it off the common; but that he saw him pass a public-house?—Just so.

Did you see any of Beale's sheep?—Yes.

What had mark they?—Those I saw had no mark at all; they were sheared.

Yours had no mark only a splash?—No, a kind of a smudge.

You have said, you told Mr. Beale when you had some conversation with him, that you believed Mr. Kenrick was a great friend of his?—Yes; I said to Beale, when I showed him the note; I tendered him Mr. Kenrick's note and he refused to take it; I said "Beale, I consider Mr. Kenrick to be a great friend of yours, or you would have been in a very aukward situation."

What did Beale say to that?—He said he did not care a damn for Kenrick and me; but that he would never give up the fleece.

And he contended it was his own?—Yes.

And you told Mr. Kenrick that?—I did not see Mr. Kenrick after I got the note.

You saw him after you had seen Beale the first time, did not you?—Yes, after the Sunday.

On that Sunday Beale maintained the sheep to be his and the fleece to be his?—Yes.

And you told Mr. Kenrick that?—Yes.

That he said it was his, and he would not give it up?—Yes; and that I wanted a search-warrant to search his premises as it was my property; if he had given it up, I should not have wanted to go to Mr. Kenrick's.

By Mr. *M. A. Taylor.*—Did not Adams come into the room with a search-warrant which Adams had written out for Mr. Kenrick to sign?—Adams left the room, and came in with a printed paper; Mr. Kenrick says, "What have you got there?" he said, "Sir, it is the form of a search-warrant;" Mr. Kenrick said, "this note I am writing will answer the purpose," or words to that effect.

Did Adams, upon your stating that you wished for a search-warrant, give you any paper yourself to sign, stating the complaint?—No, he did not.

Did Mr. Kenrick ask you to sign any paper?—No, he did not.

Did you tell Mr. Kenrick you actually came for a search-warrant?—Certainly; I went there for nothing else.

That you came for a search-warrant against Beale?—Yes.

Then Adams brought in a printed form?—Yes.

It was then that Mr. Kenrick said a note would do as well?—Yes.

By Sir *R. Wilson.*—After you had made Beale acquainted with your intention to charge him with a felony, might he not have destroyed that mark by which you proved the felony, if he had been conscious of being guilty of theft?—He had destroyed it; I mean to say, he had pulled it all to pieces.

By the *Solicitor-General.*—You have said that Mr. Nash is land agent to Mr. Kenrick; is not he a very respectable farmer in that neighbourhood?—A very respectable man indeed.

Is he not generally employed as a referee on subjects arising between farmers and gentlemen in that neighbourhood?—It is the custom of that part of the country for Mr. Nash and Mr. Cutler generally to settle things.

After you had got the fleece of your ram, what was the occasion of going to Mr. Kenrick the last time?—To prove to him that I had not applied without a just cause before.

Having got your fleece and your ram, you did not go the last time to Mr. Kenrick, to insult him?—I did not.

I take for granted you did not say any thing to him flippant or rude in your manner?—Not the least in the world.

It is not your habit to express yourself in that way?—As to habit, I express myself in the best way I can.

You have told us Mr. Kenrick got into a great passion; had you said any thing for the purpose of irritating Mr. Kenrick?—I said no more than this, that I would not be searched by Adams.

Before the search was proposed, had you, in language or in manner, done any thing to irritate Mr. Kenrick?—Never; there was not time; I did not expect I was going before Mr. Kenrick. I sent those notes in by Adams, and I had no more idea that I was going before Mr. Kenrick, than that I was coming to this House.

By Mr. *Goulburn.*—How came you to have sheep on Westwood-common?—That I do not know, that is what I want to find out.

By Mr. *Peel.*—When Beale produced the fleece, you had no doubt whatever it was the fleece of your ram?—I knew it was my fleece, he said it was from that ram.

He did not make any attempt whatever to bring forward any other fleece?—No, he only produced that.

By Mr. *W. Lamb.*—How came you to petition the House of Commons upon this subject?—There was no other place I could apply to that I knew; I had done every thing; I had brought him to a court of justice, and he had pleaded guilty to the charge I had laid against him, and there was no other place where I could get protection; I did it to let the country see that though a man is poor, if he has got spirit and money, the great will be brought to justice as well as the poor.

Did no one advise you to take this course?—Not a single soul; for my determination always was, till such time as I had had redress made to me for the injury I had sustained, that I would follow Kenrick up.

Who wrote the petition you presented to the House?—My attorney, Messrs. Watson and Broughton of Falcon-square.

He drew up the petition according to your instructions, did he?—Certainly.

You are perfectly aware of the contents of that petition?—I am.

Are you aware that it is stated in that petition, that you presented it on account of the indignation you felt at the delay of justice?—Certainly.

Should you have presented that petition, if Mr. Kenrick had paid the demand, and the whole expenses after the affair at Kingston?—I cannot say but what I should; I never promised Mr. Kenrick that I would not, and that therefore remained with me.

Should you or not?—I think I should.

Still it is doubtful?—I should have considered it; I should not have dropt it easy; I should not have given it up easy.

Do you mean to say, that your presenting this petition is not entirely in consequence of his not having paid you your demand subsequent to that trial?—No, I deny that in toto.

Did you not say, that when Mr. Kenrick refused, you threatened that you would "tackle" him?—All I wanted to know was, whether it was through Mr. Kenrick's desire I was to be at the loss I was, and if it was Mr. Kenrick's desire, or leastwise, if his attorneys had acted according to his instructions, I certainly should tackle him again.

Subsequently to that you gave instructions to your attorney, in consequence of which that petition was prepared?—Then I beg to consider with myself that part why I was to tackle him.

In consequence of your considering how you were to tackle him, this petition was prepared?—Yes.

Therefore, if Mr. Kenrick had paid you the money, you would not have presented the petition?—That I cannot say; I never promised that yet; as for paying me, it was no more than what he was entitled to pay me.

How do you reconcile those two last answers, that in consequence of the money not being paid, you considered how you should tackle him, but that your presenting that petition had nothing to do with the nonpayment of the money?—No more it had; it had nothing to do with it.

By Mr. *Brougham.*—Did you offer to make a deposition to Mr. Kenrick on oath?—I did. I told him I had seen the ram, and was come there to swear to it.

Did he refuse to examine you upon oath?—He did not say either way.

You never prosecuted Beale for a felony?—I could not. Mr. Kenrick had taken the evidence from me; I was obliged to promise the man that I would not prosecute him, to get the fleece from him.

It was the promise prevented it?—Yes.

By Mr. *Peel.*—With respect to the compromise with Mr. Kenrick, was that by your directions?—No; Mr. Gurney can tell you all about that.—I was out of court; I knew nothing about it till I came in.

When you knew about it, were you dissatisfied with the amount you were to receive, under the compromise your counsel had made?—No; or I should not have agreed to it.

You agreed to receive 5*l.*?—Yes; and all my costs I had been put to was to be made good by him, that was my instructions to my counsel, or the case was to go on; Kenrick had said all along that he would ruin me; therefore I said we will see whether you will or not.

What other situations does Mr. Kenrick hold?—He is a judge in Wales.

And that is one of the reasons for bringing this forward?—No, not particularly; that was to let it be seen whether he has done his duty as a magistrate.

What do you mean by this statement, "That the petitioner is induced to consider an investigation of this case more peculiarly important, from the circumstance of the said William Kenrick being one of his majesty's justices of the great session, in Wales?"—Well, I should think that Mr. Kenrick is not a fit man to hang a man if he goes on the way he did with me.

That is one of your reasons?—Yes; that if he administers justice in Wales as he did in Surrey, I am sure I shall never go down to Wales for justice.

Your motive for bringing forward this is not that you are dissatisfied with Mr. Kenrick for withholding from you any sum you think yourself entitled to, but that a man who has so acted should be removed?—If he had acted according to his oath he was bound to support me, and I conceive he has done every thing he did against me; I believe, when he took his oath as a magistrate, he swore to do every thing just between man and man, and not to decide without hearing both parties; but I mean to say that he decided this without hearing any; that is, that he did not hear me in the way he should.

Had you any wish to prevent the detail of this in the public newspapers?—To prevent what?

To prevent the publication of this?—I never troubled my head with publications.

What did you mean by this statement, "That the petitioner disclaims all personal hostility to the said William Kenrick, which he submits has been sufficiently indicated in his desire by the compromise of the said action, to prevent a detail of the foregoing facts?—There would not be one man in a hundred that would have been so easy about the business as I was, not one man in a thousand; I have got no ill will against Mr. Kenrick.

Did you instruct the person who prepared this petition to draw those two paragraphs?—I directed him to draw up the petition, and let me see it; I then approved of it.

Did you know Beale before this happened?—No, I was quite a stranger in the country. I do not know that ever I heard of his name in my life.

By the *Attorney-General.*—With respect to the compromise which took place at the assizes, were the terms of that arranged between your counsel and the counsel for Mr. Kenrick?—I know nothing what the counsel has done, as I tell you; Mr. Gurney is the only one who can tell you upon that business.

Were you present at that time?—Certainly, but what they did I do not know; they never told me what they wrote; I told my counsel what I should agree to and nothing else, and how they settled I do not know.

Who was your counsel?—Mr. Marryat.

You and Mr. Marryat conversed together upon the subject?—No; Mr. Thessiger I gave the instructions to.

He was also your counsel?—Yes.

Did you converse with him as to the terms on which you would settle this business?—Yes; I told him if I was to be at a farthing loss about this, the trial should go on. They first of all began to propose something about five-and-twenty pounds; when that was mentioned to me, I said I should have nothing to do with the matter; I shall go on, as Kenrick has said he will ruin me, I will see whether he shall ruin me or not.

You trusted the arrangement to your counsel?—Certainly.

When was it you received the money?—I have received no money; my attorney has I believe. I think he said they had paid him the costs.

When had you first any conversation with your attorney, as to the costs being paid?—Whether it was a month or a fortnight ago, or a week ago, I cannot say.

Did he not tell you that Kenrick had paid the costs?—I believe he did.

When was the time that he told you Kenrick had paid the costs?— I cannot tell.

Did you receive the *5l.* damages?—My attorney has perhaps received it.

How soon after his telling you he had received the costs, did you direct him to draw up the petition?—I cannot say.

Do you not know where you gave him instructions for this petition, whether at your own house, or his?—I cannot say whether it was at my house, or his?—Most likely at the office.

When did you first propose yourself, before the assizes, to compromise this action with Mr. Kenrick?—Never.

You mean to say no offer of any kind was made till you got to the assizes?—Not on my part.

You have no reason to believe that your attorney made an offer of compromise to Mr. Kenrick, before the assizes?—Not to my knowledge.

Have you any reason to believe, that it was so from what you heard?—Never; I never did.

By Sir *R. Wilson.*—You have stated that Mr. Kenrick had said, he would ruin you; on what authority is that stated?—It was common talk in the neighbourhood; and in fact it was said to my wife, and my wife was ill for six months through it, she was frightened.

By Mr. *Denman.*—Were you told by your counsel or your attorney, after the compromise had been made, what the terms of it were?—I was not told at all, no further than my instructions to Mr. Thessiger was, that if I was to be at a farthing loss the business should go on.

Were you told that the defendant's attorney consented to pay the costs, as between attorney and client, so that you were to be at no expense in the matter or in the cause?—Yes, after I came out of court.

Did you see the writing afterwards?—Yes.

What did you understand by being at no expense in the matter or the cause?—All the expense in the looking after the sheep, and going about [The witness was directed to withdraw].

The Counsel for Mr. Kenrick were asked in what way they proposed to proceed?—Mr. Gurney stated, that he proposed, in the first place, to put in an answer by Mr. Kenrick to the petition of Mr. Canfor. The Counsel was informed, that he might read the statement referred to by him as part of his Speech. Mr. Gurney then proceeded to read the paper. It purported to be the Petition of William Kenrick of Betchworth, in the county of Surrey, esq. and set forth,

"That the petitioner, having perused the petition presented to the House by Mr. Martin Money Canfor, begs leave to state, that the petitioner is well known to be in the habit of seeing all persons on justice business till ten o'clock every morning, and after that hour (if at home) on any matters of urgency, but that his servant has instructions not to introduce any person after that hour till he has ascertained the business on which he came is urgent; that the petitioner's butler Adams having informed the petitioner that a man of the name of Canfor (whom the petitioner had never seen or heard of before) wanted a search-warrant, he directed that he should be admitted; Adams then introduced Canfor, and then left the room; Canfor then stated, as the ground of his application for such warrant, that he had lost several sheep from Charlwood Common, and amongst others, a ram, and that he had heard that Mr. Beale, of Reigate, had lately taken up a ram from Westwood-common, in the parish of Leigh (which parish adjoins Reigate and Charlwood); that he had been to Mr. Beale's and seen the ram, which was then shorn and claimed it as his property, and that Beale stated that he had taken up the ram from off Westwood-common, it having strayed from his pasture, and refused to give it up or produce the fleece, insisting they were his own property; upon this representation the petitioner told Canfor, he thought it a case for a civil action, and not for a criminal proceeding, and declined to give him a search-warrant; Canfor then became very importunate, and used some intemperate language, saying that the petitioner did not know his business, and he would go to another magistrate; and said he would apply to Mr. Burgess, the magistrate at Reigate; upon which the petitioner told him to do so, and that the petitioner was sure, if the same statement was made to Mr. Burgess, he would not issue any search-warrant; that Canfor still continuing to press for a search-warrant, and stating, that unless he could compel the production of the fleece, he should not be able to prove his property in the ram, and that he was apprehensive Beale would destroy it, the petitioner told him that Beale was the brother of the petitioner's bailiff, and that the petitioner was unacquainted with him, but understood that he was a respectable farmer, and a man of good character, and not likely to act in that way; that the petitioner would give him a letter in the nature of a summons, which he had no doubt would procure the fleece; Canfor then requested the petitioner to do so, and the petitioner accordingly proceeded to write the summons stated in Canfor's petition; while the petitioner was so doing, his servant (Adams) came into the room, and offered the petitioner a blank search-warrant; on which the petitioner said it was not a case which required a search-warrant, Adams then retired, and the petitioner proceeded to finish the letter or summons mentioned in Canfor's petition, which the petitioner delivered to Canfor, directing him to take a constable to serve it on Mr. Beale; but the petitioner has no recollection that he told him he might serve it himself; when the petitioner afterwards saw the summons he perceived he had inconsiderately described the charge as if it had been actually preferred before the petitioner, certainly implying thereby, the petitioner considered a felony had been actually committed, an idea never for a moment entertained by the petitioner, and the observations the petitioner made to Canfor decidedly prove it to have been most foreign to his mind, and he trusts as unequivocally show, that he wrote the letter to assist one neighbour to settle a dispute with another, and for no other purpose; after that summons had been served, Beale, as the petitioner was informed, came to his house and complained of it, and desired Adams to tell the petitioner the matter was referred to a neighbouring farmer; the petitioner desired him to be told there was no occasion for the petitioner to have any thing further to do with it; Canfor also afterwards came, as the petitioner heard, and met Beale before he had left the petitioner's premises, but the petitioner was not at home, and on that occasion he did not see either of them; the second time that the petitioner saw Canfor was, he believes, on the 17th of June; Adams introduced him, and then left the room; and Canfor then produced the fleece and two samples of wool, and two notes signed by Mr. Joseph Nash and Mr. Ede, stating that the samples were like the wool produced, with the view, as the petitioner understood, of satisfying the petitioner the fleece belonged to him (Canfor); but he petitioner was by no means convinced thereof; and from something that was said by him, which the petitioner does not distinctly recollect, he was induced to question him if he had obtained it by means of the petitioner's summons, when he said "Yes;" the petitioner asked, what he meant to do with it? he said, to take it home and keep it; the petitioner then asked if Mr. Beale consented to his so doing? he said he did not; the petitioner then desired him to leave the fleece with him for the purpose for which it had been obtained, viz. to secure the production of it as evidence, when wanted for that purpose; this he (Canfor) peremptorily and repeatedly refused to do; and thereupon the petitioner told him he must detain him (Canfor), for which detention the action mentioned in Canfor's petition was brought, and turned the key in the door, and rang the bell which Adams answered, and the petitioner desired him to detain Mr. Canfor until he gave up the fleece, and the letter, or summons; but the petitioner does not recollect, and thinks he did not order him to search him (Canfor) for the summons or letter; and the petitioner sent another servant for Batchelor, the constable; the petitioner cannot recollect, and firmly believes he did not at any time during his first or this interview with Canfor, speak in a high, menacing, or commanding tone, or that he was any way agitated, or in a passion; when Batchelor arrived, which he did in a few minutes, Canfor held out his pocket for Batchelor to take out the summons, and quietly gave up the fleece, and went away; the petitioner saw no violence used, the constable kept possession of the fleece and summons until the trial; the petitioner thought that if any question was to be settled as to the property in the ram, that the fleece ought not to remain in the custody of Canfor; it never was the petitioner's intention to take it out of the possession of one party to put it into the possession of the other; all that the petitioner desired was, that it should be in the custody of some indifferent person, or of the constable, in order to be forthcoming if any trial should take place; and the petitioner also thought his summons to Beale ought to have been returned to the petitioner; the petitioner was not at the assizes, and the compromise then made was directly in opposition to the petitioner's wishes and express directions, and known to be so by his solicitor and counsel; the petitioner has paid the 5*l.* damages agreed on, and 134*l.* more for Canfor's costs in such action, taxed as between attorney and client; the petitioner was a perfect stranger to every thing that passed between the parties or between them and any other person, except as above stated, until a few days before the assizes, and the petitioner protests against being in any manner affected thereby; the petitioner had no knowledge of Canfor before he called the first time, as above stated; the petitioner knew William Beale, had never spoken to him, nor did afterwards, until a few days before the trial of Canfor's action; the petitioner could have had no motive for partiality, or for denial of justice; the petitioner does not presume to say that he may not have erred in judgment, but, if he did, he with the fullest confidence submits his conduct to the favourable consideration of the House, and prays that justice may be done him in the premises."

Mr. *Gurney* then spoke in the following terms:—"I should have thought I might have rested the case of Mr. Kenrick on his own statement of it, were it not for that part of the transaction in which I was personally concerned. Mr. Kenrick intrusted his defence against Canfor to Mr. Bolland and myself, and when the trial was called on, I understood that the object of Canfor was only to obtain his costs. Certainly, I was of opinion, that Mr. Kenrick had not a legal defence, and that a verdict must pass against him, which would carry costs. I suggested, therefore, to the counsel on the other side, that if such were really the object of Canfor, that object might be attained by taking a verdict, which we should not resist. The plaintiff was accordingly called, and he and his counsel consulted, and with his perfect approbation the arrangement was made. The costs, of course, would remain to be taxed by the officer of the court, who would necessarily take into his consideration the terms of the arrangement; and who would allow costs to the full extent according to those terms. Such being the fact, it will remain for this House to determine whether, after the party has been disappointed in the amount he expected to receive, the petition has not been resorted to rather as a measure of revenge than of justice. What other meaning could be given to the phrase, that Canfor would again "tackle" Mr. Kenrick, if he were not able to obtain from him a larger sum of money than the officer of the court awarded? The case appears to be this, and this only. A perfect stranger waits upon Mr. Kenrick as a magistrate, and charges a man of a respectable station and character with a felony. He states, that a number of his sheep had strayed, and that a part were found upon Westwood Common; that Beale had taken one of them;—that he found it in his fold with others, and that it was shorn like others. The farmer insisted that it was his own ram, which he imagined had strayed from his flock, and which had been marked by some other person, in order to deceive him as to his property. The farmer did not pretend that it was his mark, and he produced the fleece; but, if the manner and deportment of Canfor were then at all like what they have been this evening, it will not be difficult to imagine that it occasioned some little degree of reluctance on the part of Beale, the party accused. The question was presented to Mr. Kenrick as one merely of disputed property: two different men claimed the same sheep, and one of the parties claiming required a search-warrant against the other as for a felony. I apprehend that it will hardly be laid down as an axiom, that a search-warrant is to be granted on every occasion, merely because it is asked for. If so, the situation of a magistrate will be rendered very different from what it is at present. Gentlemen of rank and learning will no longer be required for this important office, to decide under what circumstances they will invade the security of a man's dwelling, or infringe the personal liberty of the subject. If it be imperative to grant search-warrants on demand, no inquiry will be necessary, and discretion rendered useless. Mr. Kenrick exercised his judgment when he was applied to; and to me it seems that he exercised his judgment soundly when he refused the search-warrant. If I am wrong in this opinion, and Mr. Kenrick was wrong in his decision, I say confidently that it does not establish a case for calling a magistrate to the bar of this House to answer an accusation of this description. If a magistrate be guilty of misconduct, the courts of law are open to an application against him from any individual, however poor; and Mr. Canfor, who is not stated to be a pauper, might have resorted thither. Mr. Canfor might have moved the court of King's-bench, or he might have preferred an indictment against Mr. Kenrick; but he did neither the one nor the other. He considered merely that he had suffered a civil injury; for that injury he commenced a civil action, and he received compensation upon terms consented to by himself. He comes before this House, however, alleging that there has been a denial of justice, by which a charge of felony has been suppressed or defeated. I beg to ask in what way has any denial of justice been proved. What would a search-warrant have obtained for him more than he did obtain by means of the summons which was granted? Canfor had his ram and its fleece restored to him; and there was nothing to shew that Beale had acted dishonestly in taking it from Westwood Common. Then, let me ask, in the second place, how has a charge of felony been suppressed or defeated? What means of prosecution had Canfor before, which he had not after the refusal to grant the search-warrant? He was obstructed and crippled in no way, and he might have proceeded in many ways, but to this hour he has instituted no prosecution. I therefore humbly but confidently submit, that taking all the facts stated in Canfor's petition to be true, they amount to nothing; he went to a magistrate on a question of disputed property; the magistrate, in the exercise of his discretion, refused a search-warrant, and the complainant re-possessed himself of all he had lost without it. He did not state to Mr. Kenrick that he could produce a man who saw Beale leading away the ram in a string. Beale asserted that the animal was his own, and that it had strayed from his flock. Taking, therefore, the petition, and the whole statement of Canfor this night, there is not the slightest pretence for imputing to Mr. Kenrick a denial of justice, or that he was actuated by any other motives than those which ought to guide a magistrate in the impartial discharge of his responsible functions."

The Chairman then asked Mr. Gurney, whether he intended to call any evidence? The learned gentleman replied, that he did not feel it to be necessary. Mr. Bolland being asked, whether he desired to address any observations to the committee, stated, that he did not feel it to be necessary. The counsel were then directed to withdraw.

Lord *Eastnor* then rose, and said, that residing in the neighbourhood of Mr. Kenrick, he was able to give the same testimony to his character and conduct which had been borne on a former night by the hon. member for Surrey. He also knew Beale, and had always looked upon him as a worthy and honest man. A search-warrant ought not to be granted but in cases of grave suspicion, and no felonious intent had been at all made out against Beale. Mr. Nash, the individual to whom reference had been had by the parties, was a highly respectable farmer, much employed in valuing land and in settling disputes between private parties.

Mr. *Canning* said, he apprehended it was quite impossible to proceed with the case, in its present state. They had, on one side, evidence given at their bar, which would be printed; on the other side, they had the speech of a learned counsel, which was evanescent. They certainly could not proceed unless some motion was made.

Mr. *Denman* said, he would move that the evidence be printed.

Mr. *Canning* thought it would be unfair to assent to a motion of this kind, the evidence being all on one side. He was ready to go to a verdict on the case, as it now stood; and, if no other person would make a specific motion on the subject, he would.

Mr. *Denman* said, the course he intended to pursue was a plain and clear one. Charges had been brought against an individual at the bar, and a witness had been heard. Individuals had been mentioned who, if it were necessary, might have been examined on the other side. As those persons had not been called, how could the House dispose of the business except by printing the evidence, and adjourning it. A most able, ingenious, and eloquent speech, had been delivered by the counsel for Mr. Kenrick. There were many novelties connected with this case, and amongst them, perhaps, the greatest was the proposition laid down by the right hon. gentleman, when he asked, why should the evidence be circulated without the speech of the learned counsel? He should like the right hon. gentleman to point out any precedent where a speech delivered by counsel, or by any other person in that House, or at the bar of that House, was so sent forth along with the evidence. Was there much danger, he would ask, from sending out the evidence in the way proposed, when it was quite clear that other speeches and other sentiments—speeches and sentiments opposed to that evidence—would be delivered in the course of the discussion on the subject? The question here was between a poor isolated individual, who endeavoured to recover his property, and who, in making that effort, had been imprisoned. Now, he should like to know whether, without the publication of any speeches, a just verdict might not be given on the evidence which had been adduced? Persons who might have been called on the other side had not been brought forward. But the right hon. gentleman seemed to think that the case could not be properly gone on with, because the memory of the members of that House could not be trusted with the eloquent speech which had accompanied the evidence given at their bar. Until, however, it was shown to be the regular course to print such speeches, he would pursue that line of conduct which he had already intimated. He would now move, "that the chairman report progress, and that the evidence be printed."

Mr. *Peel* said, that the speech of the learned gentleman was entirely beside the real question. He began with a charge against Mr. Kenrick, and those who really wished to investigate the matter called on him to bring forward some written specific accusation. The learned gentleman declined that course, declaring that the petition of Canfor contained the charge. The question, therefore, was, whether the evidence given by Canfor had produced such an impression on the House as to render it necessary to proceed further. It appeared to him, that no persons were so fit to judge of the merits of this case as those who had just heard the evidence given at their bar. Having attended to all that had been stated by Canfor, he was perfectly ready to move, "that the House having read the testimony adduced by Mr. Canfor in support of his petition, do not think it necessary to institute any further proceedings."

Mr. *Abercromby* said, that if they wished the judgment of that House to give satisfaction to Mr. Kenrick, and to the public at large, the course proposed by the right hon. gentleman would not effect that object. The proper mode of proceeding would be, to report the evidence, to have it printed; and if his learned friend did not forthwith call on the House for its judgment, it was competent for any hon. member to do so.

Mr. *Canning* said, that the motion appeared to be for a dissolution of the committee, without taking any further proceedings, and without any pledge that they would take further notice of the subject. He thought it would be better not to dismiss it in this way. If it would not interfere with the learned gentleman's convenience, the subject might be resumed tomorrow, or any other day he might appoint. Certainly, some motion should be made on the subject. The learned gentleman might do so so soon as the evidence was printed. He thought means might be adopted, not only to meet to-morrow, but to meet at an early hour, in order to take this question into consideration.

Mr. *Denman* said, his intention certainly was, that the evidence should be printed. After hearing that evidence, and a long cross-examination of the witness it would not raise the character of the House summarily to dispose of the case. He thought it would not be a prudent course to meet to-morrow; because it was necessary, if they wished to form a right judgment of the case, to weigh that evidence maturely which they had only heard viva voce.

The *Speaker* said, the impression on his mind was, that some specific resolution ought to emanate from the committee. What he said related only to the form of the proceeding, and had nothing to do with the merits of the case. That resolution, when laid before the House, was in their hands, and they might deal with it as they thought fit.

Mr. *Peel* said, he retained the opinion which he originally professed; namely, that the course most consistent with justice was, that the committee should come to a resolution, that there was not sufficient matter to put Mr. Kenrick upon his trial.

Mr. *Western* perfectly agreed with the right hon. gentleman in the sentiments which he had just expressed.

Mr. *J. Williams* said, that a full opportunity had been afforded to Mr. Kenrick of making a complete defence. He could not concur, therefore, in the opinion of the right hon. Secretary, that Mr. Kenrick had not been heard.

Mr. Secretary *Peel* observed, that what he had stated was, that there was no sufficient ground for instituting any further proceeding.

Mr. *J. Williams* said, the counsel had been asked, whether they wished to call any witnesses in behalf of Mr. Kenrick, and they had declined to do so. Evidence had been heard in support of the charge, and Mr. Kenrick's counsel had been heard in his defence. The main question, then, before the committee was, when, and in what manner, the committee should come to a decision on the merits of the case? He certainly thought it would be premature to come to a decision before the evidence was printed, and put into the hands of members.

Mr. *Denison* said, he was prepared to vote with the right hon. Secretary. Of Mr. Kenrick he had little knowledge. Though they were neighbours, they were opposed in political matters; but no private feeling should ever prevent him from doing what he conceived to be his duty. Knowing the party against whom the search-warrant was sought to be obtained, he thought Mr. Kenrick was right in not bringing that individual before him for a felony. His conduct in getting back the note from Canfor was, he thought, wrong; but he saw no reason for proceeding further in the case.

Sir *J. Wrottesley* said, that they ought to come to some desicion on this case, and he was not unprepared to do so. The individual who petitioned the House had been examined and cross-examined most strictly. The learned counsel had stated that they had no evidence to bring forward. This constituted a fair trial; and he would say that the committee had an opportunity of gaining as correct a judgment now as they would at any future period. With respect to the conduct of Mr. Kenrick, when the charge was made against a respectable farmer, he should have been exceedingly cautious as to the course which he adopted, and taken very nearly the same course that Mr. Kenrick had done. When a warrant was applied for to search a man's premises, very strong circumstances should be adduced before he would grant it. To issue such an instrument lightly was a most unwarrantable abuse of authority. While he admitted this, he could not excuse Mr. Kenrick's conduct to Canfor when he went into the magistrate's room: that could not be passed over without censure. On that point the learned counsel had never opened his lips.

What was he to infer from that circumstance? That one of the most able and prudent counsel at the bar did not dare to touch upon this fact. He must suppose that the learned counsel felt that culpability was attached to the transaction. He was not the accuser of Mr. Kenrick. If severe censure on his conduct were proposed, he certainly would not agree to it; but, on the other hand, he could not for the honour of the magistracy of the country, suffer his conduct to pass unnoticed.

Mr. Secretary *Peel* observed, that all he had said was, that the evidence before the committee did not warrant them in instituting any further proceedings. The charge brought against Mr. Kenrick was, undoubtedly, a heavy one. It was no less than that of having suppressed and defeated a charge of felony, on account of the supposed connexion between the party accused and a servant of his own. This charge had been entirely refuted; for it was shown that Mr. Kenrick had no wish to screen the offender. The subsequent part of Mr. Kenrick's conduct was, undoubtedly, extremely injudicious; but it was impossible for the House to throw out of its consideration, that an action had been brought against him on account of this conduct, and that he had been put to the expense of 200*l.* No charge of corruption had been proved against him; and with respect to any misconduct arising from error of judgment and intemperance, he really thought the House ought to rest satisfied with the adjudication of a court of justice.

Mr. *Maberly* thought the House was bound to embody in its resolution, an expression of its disapprobation of the conduct of Mr. Kenrick. If this course were not adopted, the people would not believe that that House was inclined to interfere when magistrates were proved to have acted improperly.

Mr. *Wynn* said, that the proposition of his right hon. friend was far from involving any approbation of the conduct of Mr. Kenrick. Could it be said that Mr. Canfor was without redress? By no means. He had received the redress which the law allowed him; and if any gentleman was of opinion that, on the testimony received, this was a case to justify an address to the Crown, praying the removal of Mr. Kenrick from his situation, it was quite competent for such member to submit such a proposition; but for himself, he could see no ground for any further proceeding.

Mr. *Baring* thought that, in the present state of the opinion of the committee, it was not necessary to carry this discussion any further now. If it were so, he should agree that he had never seen a witness whose examination was less calculated to substantiate the charge he was brought to make out. There could be no doubt that Mr. Kenrick's conduct had been indiscreet and reprehensible; but the question now was, whether it had been so much so as to justify the House in addressing the Crown for his removal. He must confess that he saw no ground for doing so. At the same time, he thought the case was not one on which the House should come to a precipitate decision, or in which the usual forms should be cut short. There was no reason why the evidence should not be printed. This could not be done by to-morrow, but by Monday he thought it might. The learned member might then state the case as the evidence disclosed it, and propose any measure he thought necessary.

Mr. *Canning* said, his opinion was, that the question which had been referred to the committee required the decision of the committee. He would not say what that decision ought to be; but, if the motion suggested by his right hon. friend should be put, the learned gentleman, if he had any thing criminatory to propose, might move it by way of amendment. The whole of the case, it seemed, had been gone through. At half past seven o'clock it was said, that there was nothing further to state against the accused; and it was now proposed to break up the committee and take further time to consider what decision it should come to. If it were thought necessary that time should be taken for this purpose, he was content that the postponement should take place. He had received an intimation, that the evidence could not be printed in time for to-morrow He was therefore willing that the committee should be adjourned until Monday with the understanding that the learned gentleman should be then prepared to say what he thought ought to be done.

Mr. *Denman* gladly accepted this proposal. He was not now prepared to move any particular resolution on the subject. If was possible that he might, upon further consideration, think it unnecessary to say any more upon the subject; although, if that should be his determination, he confessed that his opinion must undergo such a revolution as he could not at present contemplate. The case, as it stood before the committee, was one which concerned the fair administration of justice, and in this respect it had unanswerable claims to the most serious attention. He could not bring himself to believe, that the House would so far forget its duty to the country as to omit to pass such a censure upon the conduct of Mr. Kenrick as it should seem to deserve. If he should continue in his present opinion, he would propose a motion on Monday: if not he would willingly withdraw the proceeding he had begun. He had spoken to no one on the subject, and, as his hon. friends would testify, he had asked for no support from them. He had only preferred the charge contained in the petition; and the evidence had, in his opinion, substantiated the allegations of that petition.

Mr. *Canning* said, that when the subject came again before the House, he should be prepared to vote against any further proceedings in this matter. The charges against Mr. Kenrick appeared to be two. The first was one which had already been tried, and for which he had paid the penalty in a civil action. The second was a charge of refusing a warrant, not one tittle of evidence in support of which was to be relied on.

Mr. *Peel* was still of opinion, that the committee ought at once to have discharged the duty imposed upon it. He could not understand upon what pretext it could be said, that the committee ought not now to do that, which was always done in every branch of the administration of criminal justice in the country. Grand juries came to a decision upon deliberations not longer, and common juries sent criminals to execution upon an immediate view of the case, and after evidence had been heard. He however consented to the postponement; not for the reasons which had been urged in support of such a step, but because several members of the committee had not stayed to discharge the duty which they had entered upon.

Mr. *Hume* thought nothing could be more suitable to the justice of the case, than that the House should deliberate before they come to a decision. He should be sorry if any notion were to get abroad, that the committee had not done their duty in postponing this question. He thought, on the contrary, that the course they were about to pursue was at once both consistent with justice and with the dignity of the House.

Mr. *Goulburn* thought, that an immediate decision might have been come to consistently with the justice of the case. Those who had heard the evidence were much more competent than any other persons to come to that decision; because although others might read the evidence when printed, they could know nothing of the manner in which that evidence had been given.

The Chairman then reported progress, and obtained leave to sit again on Monday.

HOUSE OF LORDS.

Monday, June 27.

Judges' Salaries Bill.] On the order of the day for the third reading,

Earl *Grosvenor* took that opportunity of making some observations on sinecure offices. The office of lord justice general of Scotland, though of that description, was still maintained. With respect to the sale of offices in courts of law, he was glad that practice was to be put an end to. He also objected to the unnecessary increase of salaries. The learned lord who approved of the bills on the table must surely wish that they had been introduced ten years ago. He understood, however, that it was not intended to extend the inquiry to the court of Chancery.

The Earl of *Liverpool* said, that the object of the regulations was, that wherever there was business, the duties should be performed by efficient officers. As to the office filled by his noble and learned friend, the salary derived from it was before the House, and there was no man who knew the duties which attached to that office would think the reward sufficient. The situation of the lord chancellor was different from that of the chiefs of the other courts; for no sale of offices was allowed in Chancery. With respect to the puisne judges, with a knowledge of the labours they had to perform, could any one think them too highly remunerated by 5,000*l.* a-year?

The *Lord Chancellor* complained of the misrepresentations and calumnies which had gone forth respecting the emoluments of his office, although the amount of its profits had been already given in accounts before the House of Commons. Perhaps it was thought that this mode of calumnious misrepresentation was the way to get him out of office: they were mistaken who thought so; he would not yield to such aspersions, nor shrink from asserting what he owed to himself. Had he been treated with common justice, he should not now, perhaps, have remained lord chancellor; but he would not be driven from his office by calumnious attack. Let him only be treated with common justice, and in five minutes his office should be at any body's disposal. From the accounts which had been furnished to him of his emoluments as lord chancellor, by those who best knew the amount, apart from his income as Speaker of the House of Lords, he was happy to say, that the lord chief justice of the court of King's-bench had received a larger income from his office. He quoted from the average accounts of the last three years; and he would further say, that in no one year, since he had been made lord chancellor, had he received the same amount of profit which he enjoyed while at the bar. Strange, then, it was, that he should be attacked, as he had been, by mis-statements and misrepresentation of every kind. Had he remained at the bar, and kept the situation he held there, he solemnly declared he should not be one-shilling a poorer man than he was at that moment, notwithstanding his office. His noble friend (earl Grosvenor) should not have blamed him for not bringing this subject before the House earlier. It had often been brought forward: and it was thought that the emoluments arising from the sale of offices should not be interfered with; because, had they been abolished, the chief justices must have received a compensation in some other way. When the salary of the puisne judges had been augmented from time to time, no augmentation had taken place in that of the chiefs, because they were considered as deriving part of their emoluments from this source. It could not for a moment be supposed that, having entered on the laborious duties of their office under the conviction that its emoluments were to be secured to them by law, they could be turned adrift without any regard to their rights. The noble earl entirely misunderstood the question with regard to sinecure offices. Bills had repeatedly been sent up from the other House for abolishing them; and they had been resisted, because the persons who brought them here did not understand the question. It was insinuated that because the deputy did all the drudgery of the office, therefore the principal was of no use. The doctrine was founded on a mistake: the presence of the principal might not always be required, but it was applied on proper occasions; and if his responsibility was not always interposed, the consequences might be extremely injurious to the suitors and the public. He the (lord Chancellor) would pledge himself to be as active as any noble lord in correcting abuses, but he would perform his duty with a due regard to the rights of others. The reason why, in the present bill, there was no clause, regulating offices in the court of Chancery was, that a commission was now sitting on the state of that court. Much misrepresentation had gone abroad concerning his conduct, since he had presided over it; but whatever he might suffer from such calumny and mis-statement, he enjoyed the consolation, that he had been incorrupt in his office, and he could form no better wish for his country than that his successor should be penetrated with an equal desire to execute his duties with fidelity. The feelings and fate of an individual were in themselves of small importance to the public, and he the (lord chancellor) might be sacrificed to the insults which he was daily receiving; but he begged noble lords to reflect that he might not be the only sacrifice. If the object was, as it appeared to be, to pull down the reputation, and to throw discredit on the motives and conduct of men in high official situations—if every man who occupied an eminent station in the church or the state was to become the object of slander and calumny—then their lordships might rest convinced, that their privileges as peers could not long be respected.

The bill was then read a third time.

RATE OF INTEREST IN INDIA.] The Marquis of Hastings moved, that the opinion of the judges be heard on the construction of the act for regulating the interest of money in India.

Lord Chief Justice *Best* accordingly delivered the opinion of the judges in favour of the bill on the noble marquis. The act for restricting the interest of money to 12 per cent was, he said, to be interpreted according to its letter, as it was a penal statute; and by its literal interpretation it was only to be enforced in the dominions of the company. It could not be construed as extended to Foreign states in alliance with the British power. It could not regulate the transactions of borrowers or lenders in the dominions of the native princes where British jurisdiction did not extend. If borrowers there suffered from the oppressive acts of those with whom they had money dealings, they might apply for protection to their own government, and not to that of the company. In this construction of the law, he was supported by decisions of the Supreme Court of Bengal.

The bill was read a second time.

HOUSE OF COMMONS.

Monday, June 27.

Petition of F. Jones complaining of Country Bank Notes not being paid in Gold.] Mr. *Hume* reverted to the petition which he had presented to the House on the 22nd instant, from a person named Jones, complaining that a bank at Bristol had refused to pay him in cash, on demand, the amount of their notes, which he presented for that purpose. He had since had an interview with the petitioner, and, after every requisite inquiry, he found that the statements contained in the petition were perfectly correct. The notes that had been presented were for 6*l.* and 45*l.* He held in his hand the very identical notes. He had been informed, that the refusal on the part of the bank, had arisen from an idea, that the bankers were not compellable to pay the amount of their notes in cash. A great misunderstanding prevailed with respect to provincial notes. In this case, the bank had offered to substitute Bank of England notes for its own, but had refused to pay them in gold, and this was the precise point which he wished to bring before the House. A country banker's refusal to give gold for his notes was, in his opinion, as bad as a refusal to pay a promissory note when due. In order to keep the currency of the country in a healthy state, care should be taken that the supply did not exceed the demand, as whenever it did it had the effect of causing a rise in the prices of articles of every description. This was an evil which it was the duty of ministers to guard against as carefully as possible, and when it did take place, to remedy without delay. By the 37th of Geo. 3, c. 32, commonly called the Cash Suspension bill, it was provided (sect. 3), "that if any person, being liable for the payment of any such notes and draughts as might be issued in pursuance of that act, should object to pay the sum or sums of money thereon becoming due, in specie, within the space of three days after demand made thereon by the holder of such draughts or notes, it should be lawful for justices of the peace, magistrates of the session, &c., upon complaint to that effect being made to them, and they were thereby required to summon every such person against whom such complaint should have been preferred, and after examining parties and witnesses on oath, they were empowered, if the complaint should be established to their satisfaction, to award the sum due;" and such sum, with costs, in default of payment, might be levied by sale and distress on the goods, &c. of the party proceeded against. In a subsequent bill this valuable clause had been unfortunately omitted. Such being the case, he thought the House ought not to lose a moment's time in re-enacting it, so that it might become a part of the law of the land on this momentous subject. It was calculated that 99*l.* out of every 100*l.* in circulation in the country parts of England was issued in notes of the country bankers; and the consequence of this redundant issue of paper was, that out of London there was little or no gold to be got. He was sorry that he did not at that moment see the right hon. gentleman (Mr. Peel) in his place; for he would only upon this topic beg to refer the right hon. Secretary to his own definition of a currency in that well-known act, usually called Mr. Peel's bill. It was quite clear to his (Mr. Hume's) mind, that the country bankers' paper which was afloat had nothing of that character which attached to "currency" in the sense that term was used in the act he spoke of. His reasons for again moving that this petition be brought up were, that it regarded a matter of extreme importance to the country at large, and that the petitioner had felt himself to be reflected on by some observations that, on a former night, had fallen from an hon. baronet.

Mr. *Hart Davis* observed, that it was unnecessary for him to say, that the firm in question was as respectable a firm as any in the country. He apprehended that the subject matter of the present case arose out of the circumstance of some intemperate warmth having been displayed by the party complaining, in demanding payment of his notes; which circumstance had occasioned the display of a little warmth of the same kind on the other side; and had induced the bankers to say, "Well, Sir, as we have the option of paying you in bank-notes or in gold, we will pay you in notes." But he understood that they had acceded, subsequently, to the application. This transaction complained of, happened on the 6th of June; but afterwards, a larger amount had been tendered to him in gold: yet the petitioner had sworn to a debt of 20*l.* as due from these bankers. There could be no doubt that those gentlemen felt themselves to have acted in error; for it was understood generally that all country bankers were liable to pay their notes in cash, although an impression to the contrary had found its way into some quarters.

Lord *Folkestone* said, he thought that the hon. member for Bristol had viewed this matter as if it had been a question merely between the bankers and the petitioner; but if he (lord F.) had rightly caught what had fallen from his hon. friend, the petition contained matter of very grave consideration on much more general principles. It stated a fact that he could not help considering to be a grievance of very great magnitude, and one which called for a speedy and effectual remedy. When Mr. Peel's bill was passed, it was understood that the country was about to return to a sound, good, and proper currency: that was, that every man might get gold in exchange for bank-notes if he pleased. But, whether through a mistake upon the part of the bankers, or a defect in the law, it now appeared that such was not the fact. It was said, that the petitioner had come before the House with a bad grace after having sought his remedy at law. But what, he asked, was the nature of the remedy which the law afforded? This Mr. Jones, the petitioner, it appeared, wished, either from necessity or caprice, it mattered not which, to obtain gold from a bank for their notes. That the bank was respectable he did not pretend to deny; but that formed no part of the argument. Well, Mr. Jones asked for gold for a certain sum in notes; the bankers refused him, and then he was to bring his action for debt. Now, he (lord F.) did not understand much about law and its quirks, but he had been told, that the action, should the party ever choose to to bring one, could not be tried for some eight or nine months; and that, at the expiration of that period the bankers might bring their writ of error, and so put off the payment of the demand for a year and a half longer. The legal remedy of Mr. Jones, therefore, would appear to be this —that whereas, in the month of June 1825, he wanted some gold for particular purposes, and was refused when he applied to the bankers to give it him in exchange for their own paper; the law would enable him to obtain his remedy somewhere about the month of March or April 1827. But, it was not as it concerned Mr. Jones that they were to look at the question: they should consider him as pointing out a great public evil, with a view to its being remedied. It was said, that gold for the notes was to be obtained on application to the Bank of England; so it might; but, was a man who had 5*l.* or 10*l.* in notes, to travel a hundred, or perhaps five hundred miles, in order to apply to the Bank of England? About thirty years before the Restriction act of 1797, 1*l.* notes were allowed to be issued. The inconvenience of issuing such notes was found, and an act was passed preventing the issue of any notes under 5*l.* This act was limited to two years; at the end of that time it was renewed for two years, and then it was made permanent. The Bank Restriction act rendered the issuing of one pound notes necessary; and therefore the prohibitory act was repealed; but even then much caution was used, in order to secure the public and protect the currency of the country. It was now shown that, notwithstanding Mr. Peel's act, gold was not to be obtained for notes, without going through a tedious and expensive process. The noble lord thanked the hon. gentleman for having introduced this petition; and expressed his hope that ministers would feel it incumbent upon them, even at that late period of the session, to bring in some measure that should give operation to that clause in the Cash Payments' Suspension act, which had been unfortunately omitted in the latter statute to which allusion had been made.

Mr. *Hudson Gurney* said, he considered that the noble lord (Folkestone) was somewhat incorrect in his statement of the facts of the case. It appeared, that these bankers had refused sovereigns, and tendered bank notes; first, for six pounds, and then for forty-five pounds of their own paper. Now, the amount was nothing. The proceeding was one of a very singular stupidity; but, the inconvenience accruing was not, as the noble lord stated, of a person having to go through a process of nine months, in order to recover against the banker; but of just so much time as was necessary to exchange the notes for specie in London. The bankers knew, as the law now stood, they must pay in sovereigns if demanded; whilst it was quite obvious, that those sovereigns so paid by the bankers, must be procured from London.

The hon. member said, that, in his view, the circulation of the country was in a more unsatisfactory state than he had ever before known it to be. The whole thing arose from the enormous blunder which had been committed in not re-adjusting the standard to existing circumstances, after twenty-five years of another currency, at the time of passing the right hon. gentleman's bill for returning to specie payments. That bill had, as every one ought to have foreseen, forcibly compressed all prices. Thence, of necessity, the ruin of the farmers, and the embarrassment of the landlords—no rents receivable—and thence that degree of distress amongst the whole of the agricultural part of the community, which rendered it imperative to take some measure to palliate the evil. Mr. Vansittart, the present lord Bexley, was then persuaded to bring in his bill, to enable the bankers to continue their issues of one pound notes.—Mr. Gurney stated, that he, at the time, as well as the noble lord (Folkestone) protested against the measure, and urged on the then chancellor of the Exchequer, that, if it were necessary to continue that species of circulation, it should be limited to the one pound notes of the Bank of England; as, in such case, the bankers would, as far as was in their power, circulate the coin of the realm in their respective districts: whereas, when issuing their own notes, it was perfectly clear, that in those notes they would make the mass of their payments, and that the ordinary circulation of gold would be entirely confined to the neighbourhood of the metropolis.

Government, at that moment of pressure, had two points which they were resolved to drive; the one, to enhance the prices of agricultural produce; the other, to lower the rate of the interest of money, and, if possible, to divert investment to the relief of the landed interest. For these purposes, they urged the Bank to take every measure to increase the circulation. The Bank—as he thought most unwisely—first took on themselves the Dead-weight scheme; next, they advanced on mortgage; and lastly, and worst of all, they made advances on stock. But, the immediate object was gained—prices rose—interest fell—money became a drug. Thence, all the Bubbles, and Projects, and Joint-stock companies, and Poyais loans, and the frauds of the Share market—creating an immense mass of floating paper engagements; which still went for so much money, and still swelled the prices of every thing.

Now, it was through the increase of prices, and through that increase alone, that the amount of the circulation of the country banks was, or could be, augmented. It was quite obvious, that, in such a state of things, the exchanges must turn; that gold, here confined to *3l. 17s. 10½d.* per ounce, would be leaving the country; that the Bank of England would have no choice, but to pull in their paper; that embarrassment would soon begin. Prices would fall—and if, following on foreign drain, any domestic alarm, founded or unfounded, should arise: the country, entirely without specie, running on the country banks for sovereigns—all the country banks must necessarily come on the Bank of England. And here, gentlemen, when speaking of the issues of the country banks in conjunction with the question of currency, always seemed to suppose, that the amount of his notes in circulation, was the measure of the demand on the banker; whilst, in point of fact, the far greater part of the demands to which he was liable, in any moment of uneasiness, arose from persons hastily coming upon him for deposits, which they wished, on the instant, to realize. The Bank of England, therefore, if ever such a state of affairs should occur, must be driven to the dilemma, of either continuing to discount, at the hazard of stopping itself; or of refusing to discount, and stopping the whole country. And who, in a case like this, might be able to fulfil their engagements; or which of the hon. gentlemen whom he was addressing, might, for years following, be fortunate enough to obtain their rents—was, Mr. Gurney said, a great deal more than he would venture to prophesy.

Mr. *Ellice* said, he entirely concurred in all that had fallen from his hon. friend (Mr. Gurney), and considered with him, that our circulation was in a most unsatisfactory, if not in a critical and alarming state. So much so, that if the least unforeseen difficulty should arise, or any want of confidence succeed to the present high state of public and private credit, a pressure might suddenly ensue, which would subject all the interests of the country to the most imminent confusion and peril. The least alarm in foreign affairs, or a bad harvest, would inevitably reduce government to the dilemma, either of sending down another Order in Council to the Bank to suspend cash payments, or of witnessing, without having any other means of averting it, a convulsion threatening the industry, commerce, and finances of the country, with indiscriminate ruin. All this had been brought about by another re-issue of paper, in consequence of the permission given to the country bankers to circulate one and two pound notes, of which they had availed themselves to the present extent; and it could not be denied that the Directors of the Bank had given all the assistance in their power to this mischievous system. Those small notes had banished all the gold, and with the depreciated silver currency, constituted the circulating medium in all parts of England, Scotland, and Ireland, with the exception of Middlesex and Lancashire. ["No no"! from Mr. J. Smith.] At least he (Mr. Ellice) could never meet with a sovereign in any part of the country he had visited, and suspected his information on this point was quite as good as that of his hon. friend. The gold which it had cost us so much sacrifice to import, to prepare for the restoration of cash payments in 1819, became in this way so much surplus means, or rather useless capital. The Bank complained of the overflowing hoards in their vaults—advanced it to government on dead weight—to landed proprietors on mortgage—which enabled both to reduce the rate of interest, and ultimately drove this surplus capital into continental and foreign loans, and all the bubbles of which they had heard so much, for a more speculative, and as it was supposed, beneficial employment. Whether it would be as easily got back to avert the crisis he feared was nearer at hand than was generally anticipated; or whether fresh and greater sacrifices in a dreadful reaction and depreciation of all property, would not be required, when specie was again wanted to replace the paper in circulation, he would leave to those to inform the House upon, who considered the measures of 1819 of such easy accomplishment. He was satisfied the Small-note bill, like the Corn laws, was devised to protect certain great interests from the pressure and loss which Mr. Peel's bill had inflicted on all other debtors, and to conciliate them to that measure; but, it was quite inconsistent with its principles, and necessarily led to the present state of things. He would venture a prediction, that the House would, at no distant day, be called upon to reconsider their former decision, and that the country would either be found unable, or not honest enough, to submit to all the consequences of the measure of 1819. He was glad, however, this petition had been brought accidentally under discussion, as the attention of Government, the Bank, and also all the public, should be on every occasion directed to this momentous subject. He repeated, some change could not be far distant, and he only hoped, if the country banks were suddenly again subjected to the same trial, which introduced the fatal paper system in 1797, they had more convertible means than foreign bonds, or shares in speculative undertakings, to produce Bank of England notes to meet any demands upon them; and that the Directors of the Bank of England would be prepared with better assets for conversion into specie to meet their engagements, than could be found in a moment of probable alarm, in Exchequer bills, Dead-weights, or Mortgages on landed estates.

Mr. *John Smith* said, he differed entirely from his hon. friend, and from the noble lord, who considered that 99*l.* out of every 100*l.* in the circulation of the country, consisted of 1*l.* notes of the country bankers. He really hardly knew how sufficiently to express the surprise with which he had listened to that statement. In the first place, a very large proportion of the circulation of the country was in 5*l.* and five guinea notes; though less so, probably, in the vicinity of London than in other parts of the kingdom. He would venture to state—and circumstances had enabled him to form some opinion on the subject—that 5*l.* and five guinea notes therefore, and not 1*l.* notes, comprised a very large proportion of our circulation. The case set out in this petition originated, he believed, as had been stated by the hon. member for Bristol, in a quarrel between the petitioner and the bankers at Bristol, who most unjustly, most illegally, and most imprudently, he must say, refused to give gold to the party in exchange for the notes of the firm. It seemed rather to be insinuated in the speech of his noble friend that such a practice was commonly resorted to among bankers; but he begged most explicitly to deny the imputation. In respect to what had been said about the state of the currency in the north of England, by the hon. member for Coventry, he could assure the House that in nearly the largest county in the kingdom, and where the greatest amount of wages was paid of any (Lancashire), the whole of those wages was paid in specie. If the hon. member for Hythe (Mr. S. J. Loyd) had been in his place, he could have communicated some very important information to the House on this subject; having, in the course of his life, transmitted very large sums in specie for that purpose to those districts. Another part of the hon. member for Coventry's speech he had heard with astonishment. He himself was one of those who felt no fears at all about the condition of the currency. He wished to know how it should happen that the greatest commercial country in the world—whose trade and commerce were sought after by all Europe—could be in want of a sufficient currency? There could be no doubt of our having such a sufficiency, as long as our commerce should exist; or of our retaining it, until some such calamity should befal us as the wit or powers of man should prove to be unavailing to oppose with success. He had yet a word or two to offer upon some other remarks that had fallen in the course of this discussion. In point of fact, if a man came to him, as a banker, and thought proper at once to ask him for his balance, he could refuse to pay him. But his credit—that upon which alone he existed—that upon which was the foundation of his whole subsistence—what, in such a case, would become of that? It would be gone; for who would trust him a second time? But the present was a case totally different; it arose out of a refusal to comply with a legal request. The refusal was occasioned entirely by the intemperate manner, as it had been termed, in which it was put; but that refusal was very soon afterwards retracted. This was, however, a delicate subject; and really when he heard hon. gentlemen throw out such imputations as they had done, especially at a time when, from the great amount of our exports lately, the exchanges, though not absolutely against us, were, if any thing, a little on the wrong side, he could not but deprecate the unnecessary introduction of so many extraneous and grave topics. He solemnly protested that he did not believe there were three country bankers in the kingdom who would refuse to give gold for their own notes. It was not quite clear whether, under any circumstances, it would be possible for us to divest our circulation altogether, of all paper currency of a small amount. It might be possible; but he did not think it was. He took very little personal interest in any such question; for he knew full well, that of all the modes of banking which could be adopted by country bankers, that of circulating one pound bank notes was the least profitable and the most troublesome. Indeed, he knew no man of respectability or eminence in the banking line, who had not contracted to a great extent his issues of this kind; for it was the last which a man of sense would willingly resort to. Upon the whole, he did hope, that the House would not alter the law with respect to the currency. As it now stood, it was very much the same as it was anterior to the year 1797, with the exception of 1*l.* notes. In regard to all payments, it was the same. On such a subject the House, he trusted, would deliberate very maturely indeed, before they effected any such change as had been suggested.

Mr. *Abercromby* thought this was not a question that properly involved all those extrinsic considerations into which hon. gentlemen had so largely entered. The main question here was, indeed, very important; and if the facts were such as were stated in the petition, undoubtedly they were very deserving of the attention of government. It was the case, as he understood it, of an individual meeting difficulty or obstructions in obtaining gold for certain notes which he tendered to those who had issued them; and it would seem, that that difficulty had arisen solely from some misunderstanding or quarrel between the parties, but that subsequently gold was offered to the petitioner for his notes. Now, if the bankers refused to pay in gold when asked for it, they might have occasioned a good deal of inconvenience and injury, no doubt, to the individual; and such a practice, were it to grow into one, would be highly injurious, and inconvenient to the country. If the existing law was defective as to that clause of the 37th of Geo. 3rd which his hon. friend had pointed out, the country banker, to be sure, could be little apprehensive of this demand for gold in exchange for his paper, being, in many instances at least, made upon him; because, a large proportion of those who held the notes of his bank would rather be subjected to the inconvenience of retaining them, than sustain actions against the bankers, which might be prolonged to the extent that had been suggested. But, such a practice in country banks would amount to a diminution of the salutary facilities for the convertibility of paper into specie; and would have a direct tendency to increase the issue of notes. Now, the standard at which the currency stood in 1797, was that to which it ought to have been restored, but to which it was not restored by the act of 1820. The only question was, whether the omission that had been committed in that act should not be amended before the House separated? As the currency stood in 1797, so it continued till 1816. The act of 1822, which went to authorize the issue of the 1*l.* notes, did not contain the provision of the act of 1797, already omitted in the intervening measure. But, if no good reason could be assigned why that provision should not be now supplied, and the last act of 1822 so far amended, the public good really seemed to require that that amendment should be now effected. It was immediate convertibility, and that alone, which constituted our security under the present system of our currency. With respect to 1*l.* notes, that was the only part of the arrangement to which, when this great question was settled (as he had hoped, finally), he objected. If good ground could be shown, however, even for that measure now, he would not object to it. But, he did not apprehend there could be; and he earnestly recommended the measure he spoke of to the consideration of the House.

Mr. Secretary *Peel* perfectly coincided in the remark with which the hon. member for Calne had prefaced his speech, that this was not a question properly involving the numerous extrinsic considerations which had been gone into by the hon. gentleman who preceded him. At the time, he apprehended that the House was about to be drawn into a debate of the most delicate kind, without sufficient information, inquiry, or reflection—more particularly as there was not one person connected with the Bank of England then present. One gentleman so connected had, indeed, subsequently come in; to whom he had just been very imperfectly describing what had been said on the subject. It did seem to him unnecessary to enter into the discussion which had been commenced. The transaction, as he understood it, was simply this—a country banker had been applied to on one occasion, for six sovereigns in exchange of 6*l.* in notes; and on another, for 45*l.* The banker refused in the first instance, to give the party gold; but that banker himself afterwards came forward, as the House had heard, saying that his refusal had arisen solely out of the intemperate manner in which the gold had been demanded. The banker admitted, that if the application were to come over again, he must pay the party in gold. This was the whole transaction.—He was very sorry that the hon. member for Coventry (Mr. Ellice) thought the circulation to be in so bad a state, and prophesied so darkly of its future condition. But, he was happy, also, to hear the hon. gentleman postpone the fulfilment of its present predictions to a time much later than the evil anticipated, according to his own view, ever ought to happen. At least, he (Mr. Peel) could not help imagining, that the circulation was in a much more satisfactory state than it would have been, had the hon. gentleman's proposition for a committee to arrange and adjust the settlement of all contracts, or the other measures in respect of the currency suggested by the hon. member for Essex (Mr. Western) been entertained by the House. As for the question of the currency, he deemed it to be one of the most serious moment, and he therefore was one of those who would pause for some time before he approached it. The right hon. gentleman then stated the substance of his own act, which, he observed, did not repeal all the restrictions under which the issues of the bank had been previously placed. As to the policy of entertaining a measure on this subject, it certainly appeared to him that it would be invidious to introduce one, on a matter where so many interests were concerned; particularly as it was stated by his hon. friend behind him, that the banker acknowledged he was wrong in refusing to pay in gold.

Mr. *Abercromby* wished to know whether the right hon. gentleman meant to say, that he entertained a doubt as to the proviso of the act of 1797 having been repealed; and if not, whether he thought that it ought to be repealed; and whether a summary process ought not to be afforded to the holders of those notes?

Mr. *Peel* said, the learned gentleman had asked him this question rather on the sudden; namely, whether, if a person asked a banker to pay in gold, he ought not to have a summary process to compel him to pay in a week, for instance, or two or three days? Now, that was a question which he was not competent to answer. What he had all along contended for was, that there was a liability, under the existing state of the law, to pay in gold. If the banker did not so pay, the law would compel him. But, if he were asked, at what period, after demand, the banker was obliged to pay in gold, he must at once say, that he was not prepared to answer the question.

Mr. *Maberly* said, that if the complaint of the petitioner were received, the House would be bound to receive the petition of every tradesman who chose to make application to that House, because he could not, on the moment, procure gold for a bank-note, or for any legal written instrument, promising to pay a certain sum of money on a certain day. His learned friend had called on the House to enact a summary measure immediately. But, did he not know that any such measure would alter the whole of the law between debtor and creditor? And, would he call on the House to change that most important portion of the law before they separated this session? This was one of the most monstrous propositions he had ever heard; and especially so, as it came from a member of the legal profession. He did not think that the House ought to receive this petition, which appeared to him to contain very doubtful allegations. They ought, at all events, to have it very attentively read, before they received it.

Mr. Secretary *Canning* said, that the learned gentleman certainly had a right to draw the attention of the House to the doubts which he entertained, even though his opinions might not be correct on this subject. For his own part, he had not the shadow of a doubt on his mind, that, as the law at present stood, the country banker was as much liable to pay his one pound bank-notes in gold, as the Bank of England was to pay its notes of any amount in specie. With this feeling, he thought that an attempt to legislate on that which was at present so clear, would only have the effect of creating doubts which did not now exist; and which doubts would be fraught with very great evil. It was asked, under what law those parties might be compelled to pay in gold? He would answer, under that general law of the land which made gold a legal tender. No right was given to the banker to pay through any medium, except that which was the sole legal tender, if payment in that way were demanded. The creditor of the bank was empowered to demand gold, and to insist that his note should be paid in that metal. It had been said, that a protection was taken away, by the withdrawal of a clause which existed in the Bank Restriction act. Now, he would state to the House the object of that clause, in order that the subject should be properly understood. It had been the desire of all those who were anxious for the restoration of a metallic currency, to get back, as nearly as possible, to that state of society from which circumstances had compelled the legislature to depart. That was the principle on which the Bank Suspension act was removed. When that measure was taken, the legislature had to consider, whether it was or was not better, for the convenience of the country, that the ordinary small circulation should be continued. It was understood that it would be better. But when that small circulation was first enacted, it was enacted under the Bank Suspension law; and in order that it might be satisfactory, it was placed under a new sanction and a new liability. And why? Because the general sanction of the law, which compelled the banker to pay in gold, was suspended. Under this state of things, it was necessary to protect the holders of notes under the new system by a further enactment; that enactment being the clause which had been referred to. But, the law suspending cash payments was done away with—the machinery of that part of the Bank system no longer prevailed, and the old law was in full force and effect. By that law it was settled, that every description of bill or note, purporting to represent a sum of money, should be paid in gold. That law being completely revived, there was no species of bank circulation that required, or could have, a better sanction or protection. The same law applied to all paper issues, whether of the Bank of England or of private bankers; and any attempt to discriminate between them would only produce dissatisfaction and confusion. He had thought it necessary thus to give a short statement of the case, which, in his opinion, had been greatly perplexed by his hon. friend the member for Newport, and his hon. friend the member for Coventry. They had strayed very much from the real question, for the purpose, as it appeared, of harping back on the opinions which they had given four or five years ago on the subject of the currency, and of censuring government for not taking the advice which they had then given. The hon. member for Coventry had said, that difficulties would, in consequence of the present system, be entailed on the country, the inconvenience of which must be so severely felt by parliament, as to induce them, as the only remedy, to renew the Bank Restriction act of 1797. Now he, for one, would say, that his imagination could not form the idea of any difficulty to which he would not sooner submit, rather than depart from the system that was now happily in operation [hear, hear!].

Mr. *Baring* said, that the holders of notes certainly had not now the advantage of that summary process which they formerly enjoyed. He was aware that they might compel payment in gold, under the law as it at present stood; but if he were obliged to resort to a long legal process, he might lose twenty or thirty times the amount of that for which he contended. If they admitted the existence of those 1*l.* and 2*l.* notes, why not revive the summary process for the recovery of the amount in gold? He said this, more on account of the principle involved in the question, than with reference to any practical advantage that would accrue from the continuance of the old system. There was, however, in point of principle, a difficulty connected with the present state of the law; and therefore he thought that some degree of advantage would be derived from the summary process. His hon. friend (Mr. Maberly) talked of the impropriety of interfering with the law between debtor and creditor; but, when they gave to bankers the privilege of issuing to the bearer one pound notes, it was nothing more than their duty to see that he had a summary process to compel the bankers to pay in gold. The state of their dealings in specie must greatly fluctuate; nay, it must be liable to be thrown into convulsions, if the country was not more saturated with gold than it was at present. The quantity was now too small, and it could not bear the occasional contraction and expansion to which it might be exposed. For instance, the country might be called upon to expend three, four, or five millions upon grain; and this sacrifice could not be made with ease, when the whole of the sum must come out of the coffers of the Bank of England, or from the circulating medium of the metropolis. There might now be no prospect of danger; but we ought not to place ourselves in a situation to be alarmed at the least threat of it. If any measure was brought forward next session for facilitating the circulation, and giving better security to the holders of one-pound notes, he should give it his warmest support. With respect to the alterations in the currency, he had always asserted that that measure was fraught with great injustice between debtor and creditor. Gentlemen on the other side had boasted, that throughout the alterations they had never consented to any compromise between contracting parties, suitable to the alterations in the currency. Viewing these measures as pregnant with injustice, he could not give them any credit for the course which was pursued; and he could not sit down without expressing a hope, that, under no circumstances, would the currency be again tampered with.

Mr. *Huskisson* said, he concurred entirely in the last sentiment uttered by the hon. member with respect to the mischief of tampering with the currency. Nothing could be more unjust to parties who had formed contracts, than the unsettling the standard of value by which they had regulated such contracts; and no change of circumstances would induce him again to resort to the system so recently abandoned. He was also of opinion, that the question before the House, though it might be fit matter for consideration, was not one of such importance and urgency, as to render it necessary, in the present state of the session, to direct the attention of the House to the investigation of a subject of so extensive a nature. When the Bank resumed its payments in specie, it was found highly desirable, for public convenience, to continue, in some degree, the issue of small notes. The question was not now, whether those issues should be allowed; but the hon. member for Aberdeen argued the necessity of giving a special remedy to the holders of those notes. He ought, however, to recollect, that the power to issue small notes, under proper authority, had long existed, and did now exist, in Scotland, and never was assisted there by any special power granted to the holders of those notes. When the restriction on the payment of cash by the Bank of England took place, it was necessary that there should be a power of levying, by summary process, the amount of the notes on the goods of the issuer, if he refused to pay in gold or Bank of England notes. But, the moment the power was restored to the Bank of England, by a compulsory law, calling on them to pay their engagements on demand, it appeared to him, necessarily and naturally, that the summary process which accompanied the former state of things should terminate. If a summary process were applicable to 1*l.* notes, why not to 5*l.* notes? An hon. member had said that, as the law now stood, a poor man could not compel the payment of a note in specie, under, perhaps, an expense of 40*l.* or 50*l.* But, was the holder of 5*l.* notes in a better situation? In the county of Lancaster there were no 1*l.* notes; but there was an issue of bills of exchange and other securities of a like description, far under 5*l.*, to a very large amount: and there they could only appeal to the ordinary law of the land, if they wanted redress. That law was perfectly clear. It was this—that there was no satisfactory mode of satisfying the holder of a note, except through the medium of the legal coin of the realm. If the tender were made in silver, it could only be to the amount of 20*s.* If in any other circulation of the country, it must be the legal gold coin of the realm. They were in this situation—that no country bank, no Bank of England, no person either in England or Scotland, could issue any note, without being liable to pay it on demand, or according to the terms in which it was drawn up. This, he thought, was as good a state of security as any country could afford or boast of. As to the amount of notes, that was another question—the amount of the note had nothing to do with the payment in specie. He considered it right and proper that bankers should be liable in their persons and property for the amount of their notes. As the law now stood, a debt of this nature must be sued for, like any other debt, under the ordinary law. But, as had already been said, a banker, when applied to, would use his best endeavour to pay in the coin of the realm; because the character of his establishment would depend upon his promptitude. He wished this matter not to be misunderstood through the country. He wished it to be distinctly known, that there was no individual, no corporation, no party whatever, carrying on the business of a banker, from the Bank of England down to the smallest country bank, that was not liable to pay at sight, in the coin of the realm, the amount of every note issued by him or them: and that there was no other mode whatever of legally discharging those obligations. He recollected when the bill which had been so often adverted to was brought in, gentlemen who saw more difficulty in reverting to cash payments than he did, attempted to introduce a clause, that the payment of country notes in Bank of England notes should be deemed satisfactory. He, however, resisted that clause; and it was then distinctly understood—though now it seemed to have been forgotten—that there was no legal tender for debts contracted in any shape, except in silver coin, to the amount of 20*s.*, and above that sum in the gold coin of the country.

Mr. Serjeant *Onslow* contended, that the renewal of the summary process would be an evil, instead of a benefit.

Mr. *J. Smith* was favourable to the summary process, and wished government to turn their attention to the subject.

Mr. *Canning* said, the 1*l.* note was precisely that which, if paid at all, must be paid in cash. The 5*l.* note might be paid in five one-pound notes; and it might be proper to prevent the larger note from being exchanged for the smaller: but, as there was no note for less than 1*l.*, it must be paid in cash, if paid at all.

Mr. *Hume* maintained, that the present state of the paper currency subjected the country to great inconvenience, and said, that if his majesty's government did not take some steps to place the holders of notes in a better situation, he should feel it his duty to submit a motion on the subject early in the next session.

Mr. *Canning* observed, that he had already expressed some doubt as to the expediency of the minor currency. He thought, however, it would be better to suffer the present system, in respect to those notes, to come to an end, as it probably would ere long, than to aid its continuance by any specific enactment.

Mr. *Maberly* said, if he conceived that the allegations in the petition were true, he would willingly refer it to a committee, What did the petitioner complain of? He complained of what he called "a great, a disgraceful, and a growing evil?" Now, he would ask, was this really a great evil? Was it not a mere isolated case, which no gentleman had heard of before? He really wondered that his hon. friend should recommend such a course as he had done; since, if it were carried into effect, it would annihilate the whole of the paper of the country to which he belonged. He would ask whether the prosperity of Scotland had not arisen from its paper circulation? And yet the hon. member started up, and without any foundation but this isolated case, proposed a course which would overturn the whole paper currency of that country. If the hon. gentleman proceeded in his object, he would do more injury to the country than ever he had done good in that House.

Mr. *Hume* said, he had no objection to seeing the country deluged with paper to the heart's content of his hon. friend. What he wished for was, that it should be convertible into specie; and for that purpose he thought a summary process was necessary.

The petition was ordered to be printed. It purported to be the petition of Frederick Jones, of St. Philip and St. Jacob out parish, Bristol, complaining that bank notes are not paid in gold; and it set forth, "That on the 6th of June, 1825, the petitioner went to the banking shop of Rickets, Thorne, and Courtney, in the city of Bristol, presented to a clerk there six of the 1*l.* notes of the said Rickets, and partners, and demanded gold in payment of them; that the said clerk told the petitioner, that the gold was locked up, and that he could not get at it; and that he further told the petitioner that the bank did not 'pretend to pay its notes in gold,' though the notes aforesaid, held and presented by the petitioner, contained the words following, to wit; 'Bristol Castle Bank, High-street, and Wine-street. I promise to pay John Sayce, esq., or bearer, one pound, on demand, value received; Bristol, the 28th day of January, 1825. For Rickets, Thorne, and Courtney, (signed) JOHN COURTNEY;' that at last this clerk tendered some gold, some silver, and some of the paper of this bank, which the petitioner did not take, because the clerk told him that he might have sovereigns the next day; that the petitioner again went on the 7th of the said month of June, to the shop of the said bankers, and there presented for payment notes of the said bank to the amount of 45*l.*; that he there then made a demand of gold in payment of these last said notes, that the cashier, and that the said Courtney refused to make him payment in gold; that the said Courtney tendered the petitioner Bank of England notes in payment of the said 45*l.*, and that these Bank of England notes the petitioner refused to take; that after applying for legal advice, the petitioner finds that he has no remedy but an action at law, which he has resorted to, and directed the parties to be arrested; that he cannot, he is informed, obtain judgment in a shorter space of time than about nine months, that the defendants may withhold the money for about a year beyond that period, by means of a writ of error; that in the meanwhile he has to run all the risk as to the ultimate ability of the defendants to pay; and that after paying his own extra costs incurred by the action, he may have, in consequence of some new law, bank notes to receive in payment, which bank notes may, if worth any thing at all, not be worth at that time one half of forty-five sovereigns; therefore the petitioner, seeing that the present laws authorize the issuing of a paper-money, which is, in fact, not payable in gold, seeing that this paper-money is daily falling in value, seeing that this has been and is most injurious to the petitioner, and has caused great wrong to him to be done, prays that the House will pass a law to insure summary recovery of debts of this sort, and also to cause the parties issuing such dishonoured paper, to pay, in case of such refusals as aforesaid, double the amount of the sum, the payment of which shall be so refused, or that the House will be pleased to apply to this great and disgraceful and growing evil such other remedy as to the wisdom and the justice, and the good faith of the House, may seem most meet."

COMBINATION OF WORKMEN BILL.] Mr. *Wallace*, having moved the order of the day for going into a committee on this bill, said he would briefly state the ground on which the present measure was founded. The statement made on a former night by his right hon. friend (Mr. Huskisson), though it had not been substantiated in all its particulars by the evidence, yet was so far borne out, as to the general extent, and nature of the combinations that existed, and the effect of those combinations, that it was clear that some further intervention of parliament was absolutely necessary. It appeared to him that the only practical view that could be taken of this subject was to examine the actual state of those combinations; to see if any alteration had taken place in the conduct of the parties, in consequence of the repeal of those laws which it was asserted had given rise to the combinations that formerly existed; and also to inquire whether the character of those combinations was, in any degree, softened or mitigated. All those points had been duly considered, and it did appear that the character of those combinations was, in some degree, altered—that they were greater in extent, but more open in their proceedings, than they used to be. No less than thirteen cases of absolute combination were stated to the committee, and of these seven had grown up since the passing of the late act. With respect to the constitutional character of those combinations, they had found it much the same as heretofore. The parties met regularly and constantly, with presidents, secretaries, and committees. They attempted to take from the masters all resources, by restraining them from taking apprentices. They were all under the superintendance of committees, which committees appeared to be composed of leading members in the trade over the great body of which they presided. The manner in which they issued their orders, and the promptitude with which those orders were obeyed, sufficiently showed their influence. He knew that in the estimation of many gentlemen, those combinations were considered as light and unimportant. He confessed that he was of a different opinion. It appeared that the intervention of journeymen had for its object to settle when they would work, whom the master should employ, what they should receive, how many, if any apprentices should be allowed; in short, to take all power out of the hands of the master. Beyond this, they had, in some cases, pointed out individuals to be assassinated. He declared that he had not overstated the case. In Ireland seventy or eighty persons had been wounded. Of these thirty or forty had their skulls fractured; and two had been actually murdered in open day, without the possibility of bringing the murderers to justice. In Scotland, a still more organized system prevailed; and here he begged to call the attention of the House to the oath taken by the persons engaged in Scotland in those combinations. It ran thus—"I, A. B. do voluntarily swear in the awful presence of Almighty God, and before these witnesses, that I will execute with zeal and alacrity, as far as in me lies, every task or injunction which the majority of my brethren shall impose upon me in furtherance of our common welfare; as the chastisement of nobs, the assassination of oppressive and tyrannical masters, or the demolition of shops that shall be deemed incorrigible; and also that I will cheerfully contribute to the support of such of my brethren as shall lose their work in consequence of their exertions against tyranny, or renounce it in resistance to a reduction of wages, &c." Now, was it fit that such a state of things should remain? Could any thing be more dreadful than a combination in which vast numbers of persons were bound together by such a tie? The right hon. gentleman then detailed the evidence of John Kean, an artisan of Glasgow, who in his confession declared, that the object of the workmen in their combinations was to keep up their wages. That there were two committee-men in the general association at Glasgow, whose duty it was to report to the select committee; and that these committee-men were changed every two months. He proceeded to describe the organization of these committees, and stated, that it appeared by the same confession, that it had been resolved to take the lives of four of the workmen, Wright, Dunlop, Lindsay, and Ewing, as soon as possible. This committee, it appeared, met every Saturday night between eight and nine o'clock. The confession to which he now alluded, had been made by a man who had been convicted of shooting a workman of the name of Graham, who had gone contrary to the wishes of the committee. He believed that the same motives were common to all the committees, and that they all pursued the same course. The evil which resulted from it was incalculable. The most innocent persons might be led, step by step to become participators in acts of the most atrocious description. To ensure success to the designs of such committees, numbers were most of all necessary. To gain these, every inducement was put in practice. First of all, persuasion was tried; then money was offered; then warnings; then threats and intimidation; and if these were insufficient, then murder, or an attempt to murder, was resorted to. All these various means had been practised. The shipwrights in the neighbourhood of London had left their work, and withdrawn from the employment of certain masters. The shipwrights of Bristol had gone a little further, and had resorted to threats. The coopers of London had made all the workmen who would not obey the rules they laid down, uncomfortable. It was difficult to say exactly what they meant by "uncomfortable;" but, the consequence was, that all the workmen who had been made uncomfortable became members of the association. The weavers of Yorkshire had proceeded as far as threats; and the workmen in Scotland had gone even greater lengths. An instance occurred a few days ago of a man who had struck, with others, and who had received a small sum from the society; afterwards, conceiving that he had permission to return to work, he had done so, and was called to account by the society, and punished for his offence. In Scotland there had been more than one attempt to murder; and in Ireland some men had actually been murdered. For these reasons it was, that he wished to see the law relating to combinations made stronger. He was no friend to the principle of the laws which had been repealed; he did not wish to see them re-enacted; but he wished that the common law, as it had stood before, should be again brought into force. This, he believed, would be quite sufficient for the purpose. By that law sufficient powers were given to the workmen for the preservation of their own interests; they were permitted to meet for the purpose of obtaining an increase of their wages; but if they went beyond this, and attempted to mix up any intimidation of others in their scheme, it was going too far. The object of the present bill was, to keep up this distinction and every thing beside was left to the operation of the common law. He thought the bill of last year went too far; because it gave the men an opportunity of controlling their masters in their trade, and opened to them the power of exercising a compulsion which was unjust and impolitic. The attachment which some workmen had to their masters was very strong; their affection to their families must of course be much stronger; and yet the influence which these societies exercised over them was found to be stronger than either; and induced the workman in many instances to neglect both, and in preference to obey the orders of the societies. The principle of the bill now before the House was to make all associations illegal, excepting those for the purpose of settling such amount of wages as would be a fair remuneration to the workmen. He knew it had been objected that this was not enough; but he thought it was safer to point out the description of association which was legal, than to specify all which were illegal, in doing which there was great danger either of putting in too much or of leaving out something which might be necessary. The bill of last year was the same in principle as this, but it went a little further; and this, he apprehended, was the cause of the inconvenience now universally felt. The present bill gave a summary jurisdiction to magistrates; it did away with the necessity of a previous information, and permitted a conviction upon the evidence of one witness only. These were the principal features of the bill. He was aware it would disappoint many persons; for there were some who, listening to their prejudices, thought that the utmost vengeance of parliament ought to be called down upon these combinations, and that rigour and severity were the best tests of power. For his part, he thought the best test of the power of government was shown in its clemency and moderation. He felt all the disadvantages which such a measure must bring with it; but he felt also that, great as those disadvantages were, it was better to endure them than to submit to the tyranny of the workmen.

Mr. *Robertson* declared, that the repeal of the combination laws would, in his view, be attended with the most mischievous consequences to the workmen themselves.

Mr. *Hume* said, that the right hon. gentleman had given the workmen any thing rather than fair play. None of the abuses of which the masters complained so loudly were at all proved in the evidence before the House; and at least the existing system had this advantage over the state of law which was gone by, namely, that there were no more cases of illegal oaths, no more secret societies. No doubt there had been faults on both sides; but the masters were at least as much to blame as the mechanics; and he denied that any proof of violent conduct, to any material extent, had been given. In the complaints of the master paper-makers, the masters were decidedly in the wrong. So with the coopers. There had been no violence; and the House could not legislate to prevent petty feuds and differences. The journeymen shipwrights had offered to meet the masters half-way; the latter had refused; and, he repeated, that the men were entitled to as full a hearing—and their petitions had not had it—as their employers. And after all, what occasioned these existing combinations, with which the House was called upon to deal so vigorously?—The corn-laws—the combination of the land-owners, which had raised every necessary of life within the last three years from 30 to 60 per cent in price. It was a little hard to allow the corn grower to bring his commodity as he chose into the market, and to shut out all competition, that he might obtain his own price for it; and then to punish the workman, who was compelled to buy this artificially-raised commodity of the landholders, for making what efforts he could to get the best possible price for his own. For, if the masters were to be protected by the bill of the right hon. gentleman, the men had a right to protection too. And, had they this? They had not. If the masters combined to give their men only half a sufficient rate of wages, and had strength enough to starve them into taking it, there was nothing in the bill to prevent them from doing so. And, how could this danger be met by the workmen, except by counter-combination; for which, short of carrying them to the extent of violence, he still thought they ought to have the fullest permission? Besides this, he objected to the discretion which the bill proposed to lodge in magistrates; and thought it would open the door to every kind of injustice and abuse.

The House then went into the committee.

Mr. *Calcraft* objected, generally, that sufficient investigation had not been given to the subject. It was, further, a fault in his opinion, that in the preamble of the bill, there was no declaration of the opinion of the House against combinations altogether, whether of masters or workmen. An act of legislation had passed in the last session. That act, he would admit, had been introduced with the best intentions, but it had not produced the effects expected from it, and therefore they were now called upon to consider the measure before them. He hoped that as the subject was again under consideration, the committee would carefully watch every clause as it went on, so as effectually to guard against the mischiefs which had resulted from the last act.

On the reading of the clause which made it penal to induce any man to leave his work by threat, or intimidation, or insult, Mr. Hume objected to the wording of the clause as being too vague. The word "insult" might be construed a thousand ways, and that which might be considered as an insult to one man, would not be so understood as applying to another.

Mr. *Mansfield* objected to it, and observed that as he had heard the workmen object to it in strong terms, and as he had not heard any defence of it on the part of the masters, he should oppose it. If it were to be carried, he did hope that the power of enforcing it would not be left to the discretion of a magistrate, but that all offences under that clause would be left to the decision of a jury.

Mr. *Hobhouse* opposed the clause as being too undefined. It was the more objectionable, as the decisions upon it were to be left to the discretion of a magistrate, and not to a jury. He could not concur in the remarks which had been made upon the committee of last session. That committee had proceeded in the most deliberate manner. It was unfair to say, that they had come to a hasty conclusion on the subject of their inquiries.

Mr. *Huskisson* said, that the bill of last year was not calculated to give such full effect to those resolutions as was intended by the present measure. He had no intention of acting harshly towards the operative mechanics. If any hon. member would point out any clause of this bill which operated with unnecessary severity upon any class, he would oppose it. The object of the bill was, to protect the weak against the strong—to afford to the man who chose to give his labour for a certain value, that protection against the combination of large bodies to which every man was entitled.

After some further conversation, the committee divided: For the clause 90. Against it 18.

Sir *F. Burdett* objected to this bill, first, because sufficient time had not been allowed for a trial of the bill which it was intended to amend and repeal; secondly, because its language was vague and indefinite; and thirdly, because it deprived the people of the trial by jury, and left them to the arbitrary discretion of a single magistrate. He maintained that the last clause was as vague as vague could be; and observed that "jus vagum" was, in the opinion of every wise lawyer, the ne plus ultra of tyranny.

Mr. *Denman* moved, that in place of conviction before two magistrates, it should be by the verdict of a jury.

The committee divided: For the original clause 78; Against it 53: Majority 25. The House then resumed.

CONDUCT OF MR. KENRICK IN THE CASE OF FRANKS.] Mr. *Denman*, in his place, charged Mr. Kenrick, one of his majesty's justices of Great Session in Wales, a justice of the peace for Surrey, and recorder of Dover, "that he preferred before a neighbouring magistrate a charge of felony against a poor man named John Franks, without any sufficient proof of the same; on which charge the said John Franks was committed to prison, where he remained till he was discharged at the sessions by the verdict of a jury, acquitting him instantly on the same evidence which had been adduced by Mr. Kenrick as the ground of his commitment:—That, during the imprisonment of the said John Franks, Mr. Kenrick made repeated offers to procure a lenient sentence to be passed upon him, provided he would plead guilty to the charge; and applied to the clerk of the Peace, and the chairman of sessions, to permit him to withdraw the prosecution, alleging Franks's good characteras a reason for wishing to do so:—That shortly afterwards, in answer to some public animadversion on his own conduct, he wrote and published a libellous letter against the said John Franks, calumniating his character, and imputing to him crimes of which he was not guilty."

A copy of the charge was ordered to be communicated to Mr. Kenrick, and Mr. Denman gave notice, that he would move to-morrow for the attendance of Henry Peters, esq. Mr. H. Drummond, Edward Arnold, John Franks, and Esther Franks, as witnesses, in Franks's case, against Mr. Kenrick.

HOUSE OF COMMONS.

Tuesday, June 28.

DECCAN PRIZE MONEY.] Mr. Hume presented a petition from lieut.-colonel Fitz-Simon, complaining of delay in paying the Deccan prize-money.

The *Chancellor of the Exchequer* explained some circumstances which, by taking this booty out of the general law of prize; and thereby causing a particular appeal to the lords of thet Teasury, had, of necessity, delayed the distribution far beyond the usual time. He eulogized the assiduity of the duke of Wellington and Mr. Arbuthnot, to whom the Treasury had referred the business for final regulation. It was not till the 1st June that the persons interested had furnished the list of claimants; upon which alone any distribution could take place.

Dr. *Lushington* said, there had never been an instance in which the distribution of prize-money had been so conducted. No sooner were the duke of Wellington and Mr. Arbuthnot appointed trustees, than they took the steps the best calculated to cause delay. In all other cases, trustees of prize-money had kept up a constant communication with the claimants. The parties had great reason to complain of the contempt and disregard shown to them by the duke, whose conduct, especially in the impudent letters sent by him in answer to sir T. Hislop, one of the chief claimants, was contrary to all precedent. He knew the facts of this case, having professionally advised with many of the parties. He put it to ministers to say, if there was not at one time an intention of appointing the son of Mr. Arbuthnot as agent; and if that intention had not been put aside upon an opinion given by the law officers of the Crown against the legal capacity of the young gentleman to discharge that duty.

The *Chancellor of the Exchequer* begged to say, that the són of Mr. Arbuthnot was never appointed an agent in this case.

The *Attorney-General* said, that as the Crown had relinquished its share of the prize-money in favour of the army, it had a right to appoint what trustees it pleased for the management of the property. The trustees had been extremely anxious to effect the distribution, and nothing but the complexity of the business had led to the delay.

Ordered to lie on the table.

CONDUCT OF MR. KENRICK IN THE CASE OF FRANKS.] Mr. *Tremayne* rose to present a petition from Mr. Kenrick, stating that he had been taken by surprise by the order of the House to examine witnesses upon a charge against him, and praying the indulgence of the House for time to prepare for his defence, in the case of Franks.

Mr. *Denman* said, he was by no means certain, that the petition ought to make any difference in the course which he intended to pursue. The examination of the witnesses was relative to certain papers before the House, and of which he had given due notice a fortnight ago. With reference to Mr. Kenrick, he wished to throw no impediment in the way of his having every advantage in drawing up instructions for his counsel. He should therefore propose, that the witnesses should attend on Thursday. It had been intimated to him last night, that it was Mr. Kenrick's intention to call witnesses in his behalf. There would be no time to proceed in such a course during the present session; and if this were the wish of Mr. Kenrick, it would certainly lead to a different arrangement. But he did not think it ought to postpone all inquiry until the next session; it ought only to postpone his answer, and in the mean time the inquiry ought to proceed. It was not certain, that after hearing the whole case, Mr. Kenrick would feel it necessary to call any witnesses at all. Great inconvenience might arise from postponing the examination of witnesses, for it was possible that they might not be forthcoming next session. The papers upon which these proceedings were grounded had been, for a long time, in the hands of members, and must have been well known to Mr. Kenrick. He should therefore move, that the witnesses be called in on Thursday.

Mr. Secretary *Peel* thought the question important, whether the House ought to institute any inquiry upon the charge and affidavits. It might not, however, be necessary to have any discussion upon that point; but, the most important question was, that as the charge involved two accusations, each of which might be tried before the ordinary tribunals, whether the House ought to institute any proceedings. If Mr. Kenrick did prefer any charges against Franks from malicious motives, that alone would subject him to prosecution. If Mr. Kenrick had published a malignant libel against Franks, why did not Franks institute legal proceedings against Kenrick? Would it be consistent with justice, for the House to institute a prosecution against Mr. Kenrick, which would compel him to disclose his defence, while he was still open to a criminal prosecution at law? Until one o'clock that day, Mr. Kenrick had received no official information upon the subject; and had therefore had no opportunity of instructing counsel. It might be essential to Mr. Kenrick to call witnesses as to the character of Franks. Mr. Kenrick might be able to prove, that the general bad character of Franks justified those suspicions upon which he had acted as a magistrate. It was impossible for the House to hear the charge against Mr. Kenrick, and suffer the defence to be postponed for six months. The House had no alternative but that of postponing the case altogether, or conducting it at once to its conclusion. If the charge should be substantiated, a case of great moral misconduct would be made out against Mr. Kenrick; but, why should not the inquiry be pursued in a court of justice? When it was considered that many of the facts had been known as far back as October 1824, and all of them before the 1st of February last, surely the learned gentleman was culpable in allowing Mr. Kenrick to go a circuit with this charge hanging over him, and to bring forward his accusations only at this extremely late period of the session. If the learned gentleman proceeded in his motion, it would be impossible to say when the session would terminate; and he, for one, was of opinion, that it would be highly improper to keep parliament sitting so long for this one object.

Mr. *Denman* expressed his desire to meet, as far as he could, what appeared to him to be the prevailing sentiment of the House, as to the inconvenience of proceeding further in this case during the present session. Under this feeling he should withdraw his motion; although he thought it was hardly possible for the right hon. gentleman to preserve his countenance, when he asserted that Mr. Kenrick had that day, for the first time, been made acquainted with the charge. He should, however, certainly bring it forward next session; unless, in the mean time, circumstances should occur very materially to change his view of the case.

The motion was then withdrawn.

CONDUCT OF MR. KENRICK, IN THE CASE OF CANFOR.] The House having resolved itself into a committee of the whole House, upon the petition of M. M. Canfor against Mr. Kenrick,

Mr. *Denman* said, the committee for which he moved some time ago in order to examine into the case of Mr. Canfor having now resumed, he presented himself to their notice, for the purpose of submitting certain resolutions, founded on the evidence which had been adduced in support of that case. He congratulated the committee on having come to no resolution or vote, either of censure or applause, in respect of Mr. Kenrick's conduct. It was to him matter of great satisfaction, that hitherto they had expressed no opinion on the question; and that the evidence which had been taken had now been put into the hands of members, long enough to allow them to form a much more deliberate judgment than they could have arrived at immediately after a meagre debate, or under the recent impression of an eloquent speech from a learned counsel. As some of the questions that had been addressed to the witness seemed to have been directed to the getting-up of this petition, he begged in the first place to say, that he had never heard of the petition until it was put into his hands. The charge which it contained was not brought forward alone, but in conjunction with another charge; and, in his view of the case, the two charges together formed matter of grave accusation against Mr. Kenrick. He now merely alluded to the case of Franks—postponed as he considered it to be, to the next session—in order that he might not be met by the assertion, that he had brought forward an isolated case against Mr. Kenrick. That case charged Mr. Kenrick with having, in the execution of his duty, conducted himself in a manner that had exposed himself to great animadversion. He (Mr. Denman) was quite aware, that he stood in a most peculiar situation with regard to his auditory on this occasion; for he could not help considering the House of Commons as a special jury of magistrates in a case of the kind. A large proportion of the House consisted of gentlemen who filled similar situations to Mr. Kenrick's in the magistracy. It was impossible, almost, that they therefore should not feel something like sympathy for Mr. Kenrick. They might, indeed, from the same cause, be the better enabled to judge of the motives which had influenced the conduct of that gentleman; and far was it from his desire to deprive any one in Mr. Kenrick's situation of the consolation of such a sympathy. With Mr. Canfor he had had no communication until he came to their bar. He thought that upon his testimony the case might very well be left. He was aware, that many hon. gentlemen considered his evidence to have been flippant and unsatisfactory. That there was any thing improper in his manner he could not admit. Yet, however improper might be the motives and the manner of a witness, those considerations would have no effect upon the weight and credit of his testimony, unless there was room to suspect him either of fraud or falsehood in the delivery of his evidence. Now, when this witness came forward to be examined at their bar, he was evidently in a weak and nervous state. This individual came there, endeavouring to screw his courage to a higher pitch than he had ever before found to be necessary; and perceived himself to be in a situation that he had never previously experienced, surrounded as he was by so many gentlemen of the highest rank and distinction in the country. As to flippancy of manner, however, he would take leave to say, that he had never known a simple country witness, for example, after being subjected to a severe cross-examination, who did not leave the witness-box a much more impertinent person than he was when he first came into it. In answer to the statements of Canfor, Mr. Kenrick had himself presented a petition. Now, such facts as had been stated on the one side, and were admitted on the other, must be assumed to be true; and on such, hon. gentlemen might safely proceed to form a deliberate judgment. There were many such admitted facts in this case, which he would presently notice. What had been the situation of this Canfor in the month of May last year? He had a quantity of sheep, marked with a particular mark, feeding on a certain common. He lost about twenty of these sheep, including a particular ram of the South-down breed, of great value. On discovering his loss, he went in search of his sheep, at that particular season of the year when it was most inconvenient for a farmer to leave his premises. After some ten days or a fortnight's rambling about the country, he found one of his rams, under circumstances indicative, on his part, of no small ingenuity. He found on Westwood-common, a man who had seen such a ram, and having managed to get from him the whole history of the animal, he traced it to the possession of one Beale, residing at a considerable distance from Westwood-common. In a field of Beale's he found his ram, with its fleece shorn. Canfor saw Beale, and told him, that if it was his sheep, it had a particular mark. Beale did not deny that it had such a mark, but said, that perhaps the man had put it up with his own. Now, this was an important period of the transaction. Canfor thought he had made a great discovery; Beale refused to produce the fleece when it was called for by Canfor; and Canfor went to a neighbouring magistrate. There he saw the magistrate's butler, who told him that it was not his master's custom to transact any justice business after ten o'clock. At length Mr. Kenrick examined him, to ascertain whether or no the fleece was his. Canfor offered to make his deposition to that effect on oath; but Mr. Kenrick refused to take it. Now, this circumstance, especially when coupled with many of the other facts that ensued, was really very singular. It was of itself an extraordinary act. It was, unquestionably, in civil cases, the duty of the magistrate to proceed in that way which might seem best adapted to elicit the truth, and to do justice: but at the same time he should do so with the least possible offence to either of the parties. Canfor was dissatisfied; and Mr. Kenrick took fire at his declaring that he would go and find a solicitor to help him in his business. Mr. Kenrick declined granting the search-warrant, but he gave a note to Canfor, as was set out in the petition. It was said, that that note was given for the purpose of sparing the character of Beale, who was represented to be a very respectable man; but, looking to the contents of the note, it appeared to him to be a very strange way of protecting the character of the party to whom it was addressed. For his own part, he could not see how a search-warrant could affect a man's character more than a note. It was written quite in an official style. How any person could have a stronger weapon of attack against Beale, if he wished to use it, than this identical note, he could not conceive. This, however, was the instrument given by Mr. Kenrick to Canfor, whose deposition he refused to take; and he also declined granting a search-warrant, which certainly ought to have been granted, that Canfor might have been properly prepared, in the event of the note not producing the contemplated effect. When the note was received by Beale, he laughed at it. He refused to give up the fleece, which he claimed to be his own. Now, if it were really his, surely it was a matter of some importance for him to prove that he possessed a ram of the same description as that claimed by Canfor—that they were so nearly alike each other, that a mistake might easily have arisen, and that the mark on the animal said to be Beale's property was similar to the mark on Canfor's ram. No attempt of this kind was, however, made, and the note was treated with contempt. Both the objects for which Canfor waited on Mr. Kenrick were defeated, one of those objects being to recover his property, and the other to prosecute the person who, he supposed, had improperly possessed himself of it. The negation of the charge of felony actually placed Canfor in a worse situation than that in which he originally stood. Having failed in procuring the fleece, he then proceeded to another magistrate, who refused to act in a case where a magistrate had already been applied to. He must here observe, that a sort of language had crept into use, in speaking of magistrates, generally, of which he could not approve. He would maintain that one of their most important duties was, to trace out and follow up property. That was the mode by which they could best protect those who were liable to depredations; and therefore the granting a search-warrant was not a matter of indulgence and favour, but it was their duty to grant it, wherever a fair ground of suspicion existed. But, though Mr. Kenrick might refuse the search-warrant, he certainly had no right to decline taking the evidence which was tendered to him on oath. He should have received it, and preserved it to be produced, if necessary, on trial. Canfor went, on the day after, to Mr. Kenrick's, and then he found that the question, as to whom the ram belonged, had been referred to two individuals. This was a strange course of proceeding. Why should a reference have been made, until Beale had shewn that he had lost something?—until he had proved that he possessed a ram similar to that claimed by Canfor? Mr. Kenrick thought that this course would put an end to the business, not recollecting, that another question might remain to be decided, even after the award of the referees—a question necessary to the furtherance of public duty—namely, how the sheep got into the possession of Beale? However, two persons, of the names of Nash and Ede, were appointed as referees. They met together, and the fleece was produced before them in a disguised state. The mark was so disguised, that if it had not been for the composition, they could not have judged whether it was or was not Canfor's. But, on examination, they said, "Oh, this belongs to Canfor," and he was suffered to walk off with it. He then proceeded to Mr. Kenrick, and stated, "You see my charge was true. Here are two notes, written by the parties to whom the matter was referred—here is the fleece, which has been given up to me—and therefore I do not stand before you a disgraced man." What did Mr. Kenrick himself say on this part of the subject in his petition? He stated, that Canfor brought two samples of wool with him, to show that it was the same as that of the sheep which he had lost, "but your petitioner is by no means convinced thereof." How, he would ask, was it possible for Mr. Kenrick to suppose that this was not the property of Canfor? He could not imagine how Mr. Kenrick could entertain any suspicion of the matter, when the notes, written by two individuals, perfectly competent to decide the question, declared that the fleece was Canfor's property. If Mr. Kenrick was anxious to preserve the character of Beale on this occasion, he certainly took a very bad way to effect that object. There was a primâ facie case of suspicion against Beale, which could not be cleared up, except by a full and fair investigation. He would ask any magistrate now present, if a charge were made against a respectable neighbour, and he refused a search-warrant to the applicant, whether he would not, on the moment, give notice to the party accused to stand forward, and clear up his character? Mr. Kenrick did not act thus. He washed his hands entirely of the business. He left the complainant to get his property by means of a foolish note, which Beale disregarded. If there were a responsibility on the part of magistrates to use their best efforts for the restoration of property, then Mr. Kenrick had, in this case, neglected his duty. Canfor stated to him, when he found his representations were unavailing, that there was a solicitor at Reigate to whom he would apply for advice. This appeared to have vexed Mr. Kenrick; and he refused to grant the search-warrant, because the manner of Canfor did not please him. This was not conduct befitting a magistrate, who ought to guard against all capricious feeling. In his opinion, for. Kenrick's conduct was extremely reprehensible in letting the case out of his hands without due investigation. This, however, was not the worst part of the case. He was sure no gentleman in that House who was in the commission of the peace would say, that he would act with the same disregard of law and justice as it was admitted Mr. Kenrick had subsequently done. An individual applied to him for the restoration of his property, and instead of being assisted, he was himself made a prisoner, and dealt with insolently and outrageously. He was ordered to be searched by Mr. Kenrick's butler, who was made a special constable on the moment for that purpose. A parish constable was then sent for, and was directed to make an assault on this injured individual, who came before the magistrate for redress. If magistrates thought proper to behave in this way, they ought to be taught that such conduct was as contrary to law as it was to justice. They should be informed, that they were not to act from the impulse of personal feeling, of offended pride, or wounded dignity. Such feelings ought to be discarded from their minds, the moment they ascended the judgment-seat. What was Mr. Kenrick's justification for this outrageous conduct? Why, he stated that Canfor, when he first came before him, behaved insolently—that he was very impertinent—that he said he would apply to Mr. Burgess, a magistrate at Reigate; and that he accused Mr. Kenrick with not understanding his duty. Canfor, however, states in his petition, that he said he would apply for advice to his solicitor at Reigate. This, he declared, was the only offence he had given; and he distinctly stated that there was no impropriety on his part. If there had been any greater cause given, let the House consider how well supplied Mr. Kenrick was with evidence to prove it. His butler, George Adams, William Beale, and Messrs. Nash and Ede, could easily prove whether there was any thing improper in Canfor's conduct. Batchelor, the constable of his own parish, who, astonished and bewildered, proceeded to execute the strange orders of Mr. Kenrick, could also speak to the conduct of Canfor. This last named individual, had not been called to make out a case for Mr. Kenrick; and therefore, he contended, they had that gentleman's evidence against himself. It was however said (and said too, by very learned persons in that House), that no felony had been committed. And why?

Because the sheep was found straying on a common. He thought the right hon. Secretary would not adopt that line of argument. He surely would not assert, that because a sheep was taken from a common or highway, it was not a felonious offence. The place had nothing to do with the offence; which consisted in taking the property of another, and converting it to your own use. It was said, that when Mr. Kenrick ordered the fleece to be taken from Canfor, he did so because he wanted to place it in the hands of a constable as evidence to further the ends of justice. That, however, was not the fact; for he would have nothing to do with it. What could he want with the fleece, except in his character of magistrate? and as a magistrate he had dismissed the case. The conduct of Mr. Kenrick was the most outrageous he had ever heard of; and his abuse of power in appointing his butler special constable for the purpose of searching Canfor, was most unwarrantable. Suppose Canfor had resisted —(as indeed he did in the first instance when the butler attempted to search him) —suppose he had resisted when the constable came—suppose bloodshed had ensued—what excuse could be made for the conduct of Mr. Kenrick? Was that the conduct which a magistrate should adopt, on account of irritated or offended feelings? This case was one of the most serious importance; and when a case of improper conduct on the part of a magistrate, perpetrated under the colour of law, was brought forward, it ought to be minutely investigated. He knew it was argued, that Mr. Kenrick had paid the penalty of his offence. If the petitioner came to the bar, and demanded *5l.* damages more than he had obtained in court, this answer would be complete—"You have accepted a certain sum, and you cannot come here for more." But it was a very different thing when he came to the house to complain of a denial of justice. The question was, whether it was proper that a magistrate should be intrusted with power, who had exhibited to the public so much irritability and violence? Was Mr. Kenrick, because he had been clearly proved guilty of these acts in a court of law, to be therefore continued in a situation where he might still further abuse his authority? Was he to be enabled to the end of his life to deny justice to those who applied for it? Suppose a gentleman's butler had robbed his master, and suffered a twelvemonths' imprisonment as the punishment of his offence, would not the gentleman feel greatly astonished if the offending party applied to be reinstated in his situation? If the individual asked him for the keys of his cellar and pantry, would he not say, "Do you not recollect that you robbed me?" The servant might answer, "It is very true; but I suffered the penalty of my crime. I was imprisoned for twelve months, and it is extremely unjust to punish me further by refusing to place me in my old situation." This was precisely akin to the argument used by hon. gentlemen, when they said that as Mr. Kenrick had paid the penalty of his offence, he ought to be no further molested. He thought the magistrates of the country were too much above control. When he said this, he deemed it right to declare, that no man could feel more respect or veneration than he did for the magistrate who watched over his neighbourhood with paternal care; who settled petty quarrels, and who exerted his authority to preserve the morals of the people, and to add to their comfort. But, he could not approve of that indiscriminate and blind obedience which some individuals seemed to think ought to be paid to the magistracy in general. He would say, and he thought the government ought to say, when a case of gross misconduct on the part of a magistrate was brought forward, "Here is an offence of a crying nature, let us examine it, and see whether this magistrate shall longer be allowed to exercise the functions of a justice of the peace in the county where he now acts." When magistrates misbehaved, they ought to be dismissed. That was the course which had been pursued in Ireland, and followed in parts of this country. A magistrate of Hampshire had, in the time of lord Loughborough, been thus treated. An action for false imprisonment was brought against him and *50l.* damages were awarded. It was thought necessary to consider whether the individual was fit to remain in the situation of a magistrate. The lord lieutenant was unwilling to interfere; but lord Loughborough took up the case, and the offending party was removed. Government, however, appeared to have lost that wholesome power. Not a week passed in which complaints were not made against magistrates, but no notice was taken of them. As the power of the magistracy was increased, the superintending control of government appeared to be diminished. With these views and sentiments he had brought this case before the House of Commons. He was influenced by no private or personal motives. He utterly disdained them. With respect to the individual whose conduct was inculpated, he never had the honour of his friendship. He harboured no feelings of animosity towards, and was never, to his knowledge, until the present occasion, under the same roof with him. He acted from a sense of public justice; and it would be deeply degrading to him if it could be supposed that he was influenced by feelings of any other description. It was his intention to submit the following propositions to the House—1st, "That this committee is of opinion, that the allegations contained in the petition of M. M. Canfor have been substantially proved. 2nd, That the said petitioner preferred his complaint to William Kenrick, esq. one of the magistrates for the county of Surrey, relative to the loss of a ram, and required a search-warrant, to recover the ram as well as its fleece, alleging both to be in the possession of William Beale, but that the said William Kenrick refused to grant a search-warrant, or to take the depositions of the petitioner, 3rd, That the said William Kenrick, in this respect, appears to have neglected his duty as a magistrate in not inquiring into facts of a suspicious character; and that his subsequent conduct in causing the said petitioner to be arrested, and detained in his house, and in causing to be taken from his person by force, a certain paper, was illegal, arbitrary, and oppressive, and a gross abuse of his authority as a magistrate."

The first resolution having been read, Mr. Secretary *Peel* said, he entirely acquitted the learned gentleman of being actuated by any undue motives in bringing this case forward. The high and manly character which he had always maintained, would form a sufficient vindication against any such charge. At the same time, he must observe, that the course which he (Mr. Peel) meant to take on this occasion did not arise from any undue bias towards Mr. Kenrick, with whom he had no acquaintance. He was only anxious that they should decide in the manner most consistent with the forms of parliament, and, above all, agreeably to the principles of equity and justice. In the outset he called on gentlemen to divest themselves of all prejudices connected with the other case. Although there were many gentlemen present who held the situation of a magistrate, he was persuaded that they would indulge in no fellow-feeling on that account. On the contrary, if the House interfered, those individuals would, he thought, be more likely to vindicate, by their votes, the situation of magistrate from any imputation that might be cast on it, in consequence of any improper conduct committed by one of their body. The learned gentleman had divided the case into two parts: 1st, the refusal of the search-warrant on the application of Canfor; and 2nd, the conduct of Mr. Kenrick in ordering Canfor to be detained, in appointing his butler as a constable, and in taking from him the note and the fleece. He would pursue the same course, in considering the question, that the learned gentleman had done. It was wholly unnecessary for him to show that Mr. Kenrick had acted with perfect propriety in this transaction, or that no charge of impropriety could be maintained against him. All he would contend for was, that there was no ground for the interference of the House. On the first part of the charge he would say, that whether Mr. Kenrick did or did not act like a perfect magistrate, he must exonerate him from having pursued the course he took from any corrupt or improper motive. He appeared to have been influenced by a desire to act with strict and impartial justice. Whether his note did not contain phrases which ought not to have been found there, he would not enter into an inquiry. The principal accusation was, that Mr. Kenrick had suppressed a case of felony, and that he had done so on account of a corrupt feeling. He denied that any such imputation could attach to him. Here, it appeared, was an individual, living in his neighbourhood, against whom a search-warrant was applied for. Was not the character of W. Beale impeached by this proceeding? Unquestionably it was. Then came the consideration, who was Mr. Beale? It appeared that he was a man of good character, and of some property; for in the fold where the ram was found he had between seventy and eighty sheep. Canfor had lost twenty sheep, and amongst those belonging to Beale a ram was found, which Canfor supposed was his property. Was any concealment attempted? None whatever. The sheep were kept in an open field, accessible to all. The learned gentlemen said "the ram was shorn," which he considered as proving a desire of concealment. If it had been at the season of the year when it was unusual for sheep to be shorn, or if the other sheep in the fold were not shorn, then there would be some foundation for assuming that concealment was contemplated. But, as it happened in the shearing season, and as all the other sheep were shorn, how was it possible to maintain the accusation of attempting to conceal the sheep, against W. Beale? When he was asked for the fleece, what would have been easier than for him to have said, "It is not in my possession. I have disposed of it." He, however, at once said, that he had it, but would not give it up. Now, under these circumstances, was it desirable that Mr. Kenrick should issue a search-warrant against a respectable individual, on such light grounds? Besides, Beale claimed the fleece as his property; which formed a very peculiar feature in this case. Canfor was asked, "Did you tell Mr. Kenrick that Beale claimed the ram as his property?" and the petitioner, after a good deal of prevarication, answered, that "he did." This was most important; because, Mr. Kenrick, knowing Beale's character, would naturally say, on receiving this information, "Oh, it is a question of property, and I will not ruin this man's character for ever, by issuing, on such grounds as these, a search-warrant." It was here very material to attend to Canfor's evidence on this point. He was asked, "Did you not tell Mr. Kenrick, Beale insisted it was his ram?—I said he refused to produce the fleece. Did you not tell Mr. Kenrick he said it was his ram?—Certainly; he claimed it. And that he described the marks on the fleece just as you have described them?—I asked him whether the ram he took had not this particular mark, and he said it had, and he thought it was his ram, and that somebody else had taken it, and marked it afresh. That you told Mr. Kenrick?—I cannot say whether I did or not. How much of that did you tell Mr. Kenrick?—I cannot say. Did you tell Mr. Kenrick he claimed it as his ram?—That he would not give it up to me. Did you not tell Mr. Kenrick that he claimed it as his ram?—No." From this specimen the House might see what difficulty there had been in sifting the witness, as long as the questions had come, which those had done, from his side of the House; as a member on the other side had asked him, "When was the first time you saw Beale?—On Sunday, about one o'clock. How late was it when you saw Mr. Kenrick?—On the Monday, about the same time. On that Sunday Beale maintained the sheep to be his, and the fleece to be his?—Yes. And you told Mr. Kenrick that?—Yes." Under these circumstances, and knowing that Beale had seventy or eighty sheep of his own, he thought Mr. Kenrick in refusing the search-warrant, had acted rightly. In a case of this kind, a number of slight circumstances were often of very great importance in leading to a correct conclusion; and he wished the House to observe, that Mr. Kenrick, who was said to have acted partially on account of a sort of acquaintance with Beale, did not know the Christian name of the person to whom he was so anxious to act favourably. That piece of information he received from the butler. It also appeared that the butler, who was acquainted with Mr. Kenrick's mode of administering justice, handed a search-warrant to him for the purpose of having it filled; but Mr. Kenrick merely stated that he did not think it necessary in this case. On this part of the case the general impression must be, that no undue, corrupt, or improper feeling had been made out which could warrant the House to interfere in the matter.—He now came to Mr. Kenrick's subsequent conduct towards Canfor, and on that he would speak his undisguised sentiments. He thought that Mr. Kenrick, in calling on his servant to act as a constable, and seizing the note he had given to Canfor, had acted in an indefensible manner. A civil action had, however, been brought against him, and a verdict obtained; which proved he had acted improperly. But, his conduct with the severity urged by the learned gentleman, was a question, admitting of very considerable doubt. For his own part, he thought it would lessen the dignified powers of parliament, if they were to proceed in a vindictive manner, because Mr. Kenrick had detained Canfor in his house for one hour, that individual having obtained damages for the false imprisonment. Mr. Kenrick had acted improperly, and he was sorry that he had suffered his temper to be ruffled: but, in estimating a moral wrong, they ought not to lose sight of the provacation which he had received. The complainant came before him writhing under feelings of regret for the loss of his ram. He had travelled, it seemed, 500 miles in the middle of summer, until the blood was running out at the knees of his breeches. In this state of heat he might have offered some provocation to Mr. Kenrick, to bear which would require more stoicism than that gentleman possessed. They had been told, that they were to draw no improper conclusion from Canfor's conduct at the bar, because he was so nervous, and so overwhelmed by the novelty of his situation, that he was unable to give evidence so correct as he otherwise might have done. Of course, he was extremely terrified when placed before the Commons of England; but, the House could not forget his demeanour; and, from the specimen they had seen, it was possible that in the heat of summer, and under the feelings which the learned gentleman had described, his conduct to Mr. Kenrick might not have been of the mildest and most conciliatory nature. When it was considered, besides, that Canfor had threatened to hand Mr. Kenrick over to his solicitor, who would tackle with him, he was induced to believe that the whole of his conduct had been offensive and provoking. He did not say, that if the provocation had been greater, it would be a sufficient excuse for Mr. Kenrick's forgetting the moderation and temper which belonged to his situation as a magistrate, but it must be allowed to have some weight when the House came to determine the degree of moral delinquency in the case. A great stress had been laid upon Mr. Kenrick's having thought proper to detain the fleece. He thought the reason which that gentleman gave for having done so was a very satisfactory one. He said, that believing it would thereafter be made the subject of a civil action, he had taken it into his own possession that it might be forthcoming at the proper time. He knew that Mr. Kenrick was wrong in doing so—he knew that he could not justify his conduct in a court of justice—but still, the motive which had influenced him ought not to be lost sight of by the House when they were called upon to pronounce a censure upon this magistrate. The learned gentleman had said, that because one part of a man's conduct had been the subject of an action in a court of justice, it was no reason why other parts of it should not afterwards be investigated. He agreed with him in the general principle; and he agreed that the criminal conviction of a magistrate was a sufficient ground for the lord chancellor's removing him from the commission; but the question in this case, as in every other, must be, whether such a punishment would not be beyond the offence charged? And here it must be remembered, that there was not only no conviction, but not even a criminal charge. He knew the same thing had been done in Ireland, even without a conviction; but that proceeding was not approved of in that House, and it had been said, that the lord chancellor for Ireland would have done better to follow the English practice. The learned gentleman had alluded to the case of a servant who should rob his master; but, he put it to his candour whether there was the slightest resemblance between that case and the present. Mr. Kenrick's conduct had never been brought before a court of justice. Canfor, the person bringing this charge, had accepted *5l.* as a composition for his action; and it was said, that he had now presented his petition to the House solely from a love of public justice, and to prevent an improper person from holding any longer an authority which he had abused. He could not say, that he thought any of the allegations in the petition had been proved. He denied that the charge of felony had been suppressed, or attempted to be suppressed, by Mr. Kenrick. He denied, at least he doubted, that Canfor had been influenced by the motives foisted into his petition. He believed that, hearing of Franks's case, Canfor had thought it was a good opportunity for bringing forward his own complaint; but, while he denied this, he admitted that the House had nothing whatever to do with his motives. He would not, however, have it supposed that Mr. Kenrick was therefore, to have a verdict of applause. Mr. Kenrick's conduct was such as could, in no point of view, be justified; but still he thought it was not such as called for the interference of the House. It should be with the utmost caution that the House permitted itself to express an opinion which might have an ill effect upon the magistracy of the country. If any sufficient case of abuse had been made out, it was the province of the executive power to dismiss the person offending; and it would be in all cases better that the House should not interfere with the exercise of that power, unless they were satisfied that the case justified it. To him it appeared, in the present case, that such a course was wholly unjustifiable and inconsistent; because the evidence which had been adduced left the charges wholly unsupported. He should therefore conclude by moving a resolution, which although it might be unsatisfactory to some hon. gentlemen, was, in his opinion, consistent with the justice of the case, and with the usual practice of the House of Commons. He then moved, "That the committee, having heard evidence in support of the allegations contained in the petition of Martin Money Canfor, and having heard counsel in behalf of Mr. Kenrick, does not think it necessary to recommend to the House the institution of any further proceeding with reference to the petition of Canfor."

Mr. *Tierney* said, he was glad to hear from the right hon. gentleman, that it was impossible to approve of the conduct of Mr. Kenrick. He went, however, a little further, and thought that the House would lower itself in the estimation of the public, if it did not, in the most unequivocal manner, mark its sense of the outrageous conduct of that gentleman. The first part of the case made out against him, was his refusal to grant a search-warrant on Canfor's application; the second was his imprisonment of that person in consequence of his refusing to give up the fleece. The right hon. gentleman said, that all attempts to prove any corrupt motives on the part of Mr. Kenrick had failed. Now, it was not necessary to prove any such motive; but, whether any such corrupt motives really existed, or not, still it was obvious, that Mr. Kenrick was unfit any longer to remain a magistrate and a judge. The right hon. gentleman said, that Canfor's manner was calculated to provoke the magistrate. He said, he had rode 500 miles after his ram, until the blood ran out of his breeches-knees. It was no wonder, then, that he should be chafed a little, when he applied to the magistrate: but, when he was imprisoned, he showed no symptoms of violence, he was then extremely temperate, and the violence was all on the side of the magistrate. Let the House consider whether the man had not some excuse for being a little out of temper. He told the magistrate that he had lost his ram, and after going a long time in search of it, he had at length found it in the fold of another man. That man told him he would neither give him his ram nor show him the fleece which had been shorn from its back: and he therefore asked the magistrate to give him a search-warrant, which he thought was the best means of getting possession of his property. And so every man in his situation would have thought. Well, Mr. Kenrick said, "I wont grant you a search-warrant: but I'll give you a note to the man who, you say, has got your ram, and this will operate as a summons and bring him to me." He found no fault with this proceeding, except that Canfor's evidence was not taken on oath. There might be many objections to such a course; it might have thrown an imputation on a man's character, and lowered him in the esteem of his neighbours. To grant a summons, therefore, might have been the best course. Mr. Beale, who had the ram, was said to be an excellent character. A noble lord had given a very high testimony to his respectability. It might be so; but he must be permitted to say, that Beale's conduct with respect to the ram was very extraordinary. Beale lost a ram that had a mark upon its rump. He happened to find another, which had a mark on its side, and he said to himself, that although this was not his, it would do as well as another; so he took it home, and to prevent any mistake about the mark he sheared the fleece off. The owner of the ram saw it; and notwithstanding the change it had undergone, he recognized it to be his, and told Beale so, who refused to give it up. Canfor then said, "Show me the fleece, and I'll convince you that it is mine." Beale refused this request, and said, "No, that is the very reason why I won't show you the fleece." This made Canfor very angry, and no wonder that it did. He then went to Mr. Kenrick, and applied for a search-warrant. Mr. Kenrick gave him a note instead, and with this he went to Beale again. Beale says still, "I won't show you the fleece, and I don't care for Mr. Kenrick nor his note either." This made Canfor still more angry; and as he found Mr. Kenrick's note of so little use, he went to another magistrate, Mr. Burgess, who, from a regard to etiquette, refused to interfere. Canfor had therefore nothing to do but to go back again to Mr. Kenrick; and then came a very material part of the story. Canfor found Mr. Kenrick's servant, George Adams, who was a principal actor in the drama. This person, who was no doubt a very excellent clerk and a worthy butler, said, "My master will have nothing further to do in this business." This singular saying had never been contradicted. Mr. Kenrick, in his petition did not rebut this statement. Was it, therefore, too much to infer that which Mr. Kenrick did not think fit to deny? Did the right hon. gentleman mean to say that he acted correctly here? His objection to grant a warrant might be reasonable enough; but, was there any reason why he should have refused to investigate the affair? All that the poor man got, instead of the redress he went for, was a message through the butler, to the effect that Mr. Kenrick would have nothing more to do with it. Canfor then grumbled; and it was not surprising that he did so; upon which the butler said, that Beale had been there, and that there was a proposition to refer it to Mr. Nash. Canfor said, he did not care to whom it was referred, if the fleece should be produced, because without that it would be impossible to satisfy the referee. Now, although before this Mr. Kenrick knew nothing of Mr. Beale, he had in the interim become acquainted with him through his butler. The matter was then referred, and the result was, that Canfor got both his ram and his fleece. He might then have gone home if he had chosen; but he said, "No. I'll go to Mr. Kenrick again, and show him that I have had an award in my favour." Now this seemed to be praiseworthy conduct on his part. He went to Mr. Kenrick, and there the scene was entirely changed. "Oh, you dog!" said Mr. Kenrick, "you have got back your ram and your fleece, have you! then I'll make a special constable of my butler, and have you taken into custody." And this was what the poor fellow got for calling upon the magistrate to pay him a passing civility. Mr. Kenrick gave as a reason for this, that he wished to keep the fleece, because it might be necessary afterwards to produce it, as it might be the subject of an action. Now, he must take the freedom to say he did not believe this. He said, he desired Canfor to leave the fleece for the purpose for which it had been given to him, and which was that he had stated. Mr. Kenrick, it must be remembered, was a judge. He had no such excuse as other persons might have pleaded. He was well acquainted with the law, and he must have known whether such a pretence was well founded or not. He might have produced Ede and Nash, the referees, and Adams and Beale; but he had not done so; and therefore he (Mr. T.) did not believe one word of a statement which was opposed to common sense. Well, Canfor said, he would not give up the fleece, nor the note: upon which, Mr. Kenrick told his butler, whom he had made a special constable, to fetch Batchelor, another constable, to search him; and when the other constable came, Canfor gave up the note. Canfor brought an action for this imprisonment, and Mr. Kenrick, when it came to trial, thought fit to compromise it. The action was put an end to by the payment of 5*l.* and the costs. A good deal had been said about Canfor's motives. The House had nothing to do with them; but since, by a sort of "God-send," the case had come before them, were they to shut their eyes to it? The right hon. gentleman said, the case was not worthy of the interference of the House. Why, if this was not, he wished to know what case was worthy to be interfered in? If this instance of intemperate use of authority was not a reason why the conduct of a magistrate should be investigated, what case could require an investigation? It was said, that the case of Franks must not now be taken into the account. He did not want to do so; but, the facts of that case had been made so public that no one could forget them. A piece of timber of the value of one shilling had been stolen from Mr. Kenrick, for which he committed Franks to gaol, and afterwards offered to let him out, if the man would plead guilty; but he would not. He was ready to believe that, notwithstanding his opposition to the present resolutions, it would not be the right hon. gentleman's fault, if Mr. Kenrick was not persuaded to quit the premises, and not interfere further with the administration of justice. In his opinion, it was the duty of ministers to advise his majesty, to remove Mr. Kenrick. For his own part he declared most conscientiously, that he had never heard of a case more suspicious or more disgusting to his mind than this; and he could not imagine any person less fitted to discharge the duties of a magistrate than one who had conducted himself like Mr. Kenrick. Whether the resolutions of his hon. and learned friend were such as met the case, or not, he did not understand; but this was his firm opinion. He said so without any feeling of ill-will towards Mr. Kenrick, of whom he knew nothing. He implored his majesty's ministers to consider the consequences of denying justice to the people, and the necessity of preserving in the minds of all men a good opinion of those who were intrusted with the administration of it [hear].

Mr. Secretary *Canning* said, he fully concurred in the last sentiment of his right hon. friend: but, before the House came to the conclusion which he would press upon them, they would do well to consider whether the case was of so grave a nature as to justify the course proposed by the learned gentleman. Nothing could be more untrue than that, because ministers were not prepared to go all lengths in censuring the conduct of Mr. Kenrick, they therefore admired and approved of it. The question was, whether the case called upon the House to exercise that highest and most transcendant power which parliament possessed; and, if it did not (as he thought it did not), whether they ought to pursue an intermediate course, which would brand Mr. Kenrick with an imputation which would render him powerless in the high office he held, and thereby produce a great public mischief. Without going into the details of the case, he was decidedly of opinion that neither of these courses should be adopted. He had no acquaintance with Mr. Kenrick; he believed he had never been in the same room with him: he was sure he had never exchanged a word with him: he had no partiality in his favour; and yet he must say, that the case appeared to him the most trumpery that was ever heard of. The whole extent to which it reached proved only that Mr. Kenrick had been guilty of a discreditable and culpable want of temper, in his interview with Canfor. With respect to the search-warrant, that part of the charge was abandoned. All that remained was Mr. Kenrick's conduct on the second interview. That he had suffered his temper and his discretion to be overcome, could not be denied, nor could it be justified; but, the complaint and the punishment must be taken together. Was the loss of temper in an interview with that most unprovoking of mankind, who had lately appeared at the bar of that House, so great a crime that it could only be sufficiently punished by removing the person who had committed it from his high office of judge? He could not, in his conscience, say that it deserved any such punishment; and, as that was the only one which could be inflicted consistently with the interests of the country, he would not consent to adopt that other measure, as unjust as it was inconsistent with those interests, of blasting the character of the person accused, and yet leaving him in the possession of his office. This was the short view which he had taken of the subject, and, without going any further into it, determined him not to vote for the resolutions of the learned gentleman, which would be nugatory unless they were followed up by an address to his majesty, which the learned gentleman did not contemplate. It could not be denied that flying into a passion—the only charge proved against Mr. Kenrick—was a moral fault; but, the House of Commons must be cautious in inquiring into the private life of persons, because it might happen, that the most venerable characters, whose public conduct was without reproach, might be open to similar imputations in their private habits. The right hon. gentleman concluded, by repeating his opinion that nothing had been proved which could justify the House in passing upon Mr. Kenrick the censure contained in the resolution of the learned gentleman.

Mr. *H. Sumner* said, that, however disgusting the demeanour of Canfor might have been, the allegations in his petition had been substantially proved, and those allegations were perfectly consistent with the statement which had been made to him ten days after the occurrence took place. He was astonished to hear the right hon. Secretary characterize this as the most trumpery case he had ever heard of. Mr. Kenrick had directed an act to be done, which, in the first instance, led to an assault, and which might have led to much more serious consequences. For his part, he could not conceive a case which called more imperatively for the interference of that House. Mr. Kenrick had called no witnesses to character, but his hon. colleague and a noble lord had represented him as a good husband, father, and friend. So he had always understood him to be; but private character had nothing to do with the matter; although, if he were asked whether Mr. Kenrick were a good neighbour, he should say, no such thing, but a very bad one. [Here the hon. member was about to relate an anecdote of Mr. Kenrick, to illustrate the opinion he had expressed of him, when he was called to order by Mr.

W. Lamb.] He should abstain from going into that case; but could not at all concur in the propriety of postponing Franks's case until the next session. The two charges ought to be heard together; for although each, taken separately, might not be strong enough to warrant the removal of Mr. Kenrick; yet when the entire conduct of the individual was taken into consideration, there might appear abundant reason! And only see the situation in which Mr. Kenrick himself was placed. Upon the last circuit, he was cut by all the gentry. The postponement, therefore, would not enable him to administer justice satisfactorily.

Mr. *Denison* said, that, as Mr. Kenrick's near neighbour, all he knew of that gentleman was in his favour. On the first night of the present charge being brought forward, Mr. Kenrick had requested him to state to the House, that he was most anxious for the fullest investigation. In the refusal of the search-warrant, he thought Mr. Kenrick had been justified. The taking Canfor into custody was reprehensible. But, as far as warmth of temper was concerned, seeing what the House had seen of Canfor at the bar, if no man was fit to be a magistrate but such as could have patience with that person, very few, he believed, would be in a state of qualification. On the whole he did not quite agree in either of the courses which had been recommended. That suggested by the learned member, he thought, went too far; while the other did not convey that degree of censure which the case deserved.

Sir *F. Burdett* said, he took the short question to be—a question which the House was bound to pursue in any shape, and by all available inquiries—whether Mr. Kenrick had or had not exhibited such qualities of character as deserved to preclude him from filling two such high offices as those of justice of the peace, and judge upon a circuit. In his opinion this had decidedly been the case. He by no means looked at the transaction in the light in which it was attempted to be presented by the gentlemen opposite. But, seeing that it was too late in the session to obtain all the evidence which Mr. Kenrick might think necessary to his justification, he should advise his hon. and learned friend to rest satisfied with the opinion which the House had already expressed; leaving upon ministers the responsibility of deciding how far, upon their own investigation, the resolution moved ought to be carried into operation, and reserving to himself the duty, in the next session, of inquiring what discretion had been exercised. In proposing this course, he desired to be understood as being fully ready to go all the length proposed by his hon. and learned friend: and as being decidedly of opinion, that, upon due consideration, there was only one course which the right hon. gentlemen on the other side could adopt.

Mr. *W. Courtenay* said, that the proposition of the hon. baronet appeared to be very extraordinary, as coming from so staunch a champion of constitutional rights. Was it not very singular that the hon. baronet, of all other members, should call on ministers to remove an individual from his offices, whose case had been submitted to the consideration of the House, without their passing any opinion upon it? [Sir F. Burdett said, across the House, that he only called for the dismissal of Mr. K. from the magistracy.] Then, the proposition of the hon. baronet, was still more objectionable; because it supposed the propriety of allowing an individual, who was dismissed for misconduct from the magistracy, to continue unmolested in the exercise of the far more important functions of a judge. The learned member contended, that this was a case in which the House was not called on to interfere.

Mr. *Denman* said, that as nothing like a defence had been set up for Mr. Kenrick, the case of that gentleman might be considered one, respecting which there existed no difference of opinion. "Reprehensible" was the mildest phrase applied to the conduct of Mr. Kenrick. That Mr. Kenrick's conduct was open to great censure no man denied. Indeed, the right hon. gentleman fully admitted it, for although he called this a trumpery case, he had followed up that statement by saying that Mr. Kenrick had displayed "a most discreditable want of temper," and that his conduct was "a fit object of censure." Why was it "discreditable," if he was not unfit for his office, why was he "a fit object of censure," if he did not deserve to be removed. Was there any gentleman in that House who, if he were asked on his honour or oath whether the charge contained in the resolution had been fully substantiated, would hesitate to admit it; or would deny for a moment that the charge was perfectly true? Under these circumstances, if it was the wish of the House, he should content himself with merely having the resolutions put, without troubling them with a decision.

Mr. *Croker* said, that however blamable Mr. Kenrick might have been for his warmth of temper respecting the fleece and the note, still his motive was praiseworthy; namely, to produce them in evidence in a cause which was then considered to be pending; and the best proof that such were his motives was, that they remained in the possession of the constable until the day of the trial.

Mr. *Lockhart* said, there was a great inconvenience in including gentlemen's names in the commission of the peace, who held judicial appointments; and he trusted that in future it would be avoided.

Mr. *Wynn* admitted, that there had been some haste and intemperance in Mr. Kenrick's conduct in the present case, but declared that his conduct as a judge in Wales had given the highest satisfaction. With respect to the strictures upon Mr. Kenrick's private character, he thought they might as well have been omitted. As to the charge of intemperance, that was one to which, unfortunately, many persons were liable. What would the hon. member for Surrey think of any member of that House who should be so intemperate as, in a private committee, to resort to personal violence against another hon. member? He believed there had been many excellent judges, whose conduct would not have borne the inquiry which had been inflicted on Mr. Kenrick. If it had been proved that Mr. Kenrick had acted from corrupt motives, that would have been a sufficient ground for addressing the Crown to remove him; but no such fact had been established, and the case, as it at present stood, was too slight to be met by the censure of that House.

The amendment, moved by Mr. Secretary Peel, was then agreed to.

LAW OF MERCHANTS BILL—PRINCIPAL AND FACTOR.] On the order of the day for the third reading of this bill,

Mr. *Scarlett* rose and said:—

Mr. Speaker; I am sensible that I rise to address you under very great disadvantages. The question before you involves nothing of individual feeling, or of party prejudice; nor does it very obviously affect the personal interest of any portion of this House. It wants every thing, therefore, which usually recommends a discussion to the attention of this House; and, had it not been introduced into parliament under the patronage of a minister, would probably not have found an audience. Under these circumstances, if I did not consider this as one of the most important measures of the present session, I should certainly never think of forcing myself upon your notice at so late an hour; more especially after the attention of the House has been exhausted by a very lively and interesting debate, upon a subject of a totally opposite character. It shall be my endeavour, however, to state my objections to the bill with as much brevity as possible; more with the view of redeeming the pledge I have so often given, that I would take some opportunity of explaining my sentiments upon the question fully to the House, than with the vain hope that any opposition from me can prevail against a measure supported in this House by the powerful protection of my right hon. friend, (Mr. Huskisson)—after it has been introduced into the other House of parliament by his majesty's principal minister.

Before I proceed to the consideration of the subject, I beg leave to advert to a topic which has more than once been suggested by some of those who support this measure, in allusion to my known disapprobation of it. Professing a very flattering, and a very unmerited deference to my opinions as an individual, they are so obliging as to ascribe the difference which appears to exist between me and the bankers and merchants who have petitioned for this bill upon the necessity of a change in the law of principal and factor, to the prejudices derived from the profession of which I am a member. It has been the fashion of late, to denounce the lawyers as opposed to every liberal view of policy, and incapable, from the narrow habits of their profession of judging correctly and impartially upon subjects of legislation. I shall not condescend to vindicate the profession of the law from so senseless an imputation, deserving only to be treated with scorn and contempt. I am very far from arrogating to the members of the profession, any sort of advantage over any other class of gentlemen in this House. With respect to the merchants and bankers who adorn it, no person will acknowledge more readily than I do, their liberality, their knowledge, and their capacity for questions of legislation in general; but I cannot admit that either my education, or the daily habits of my professional life, render me less competent to exercise an enlightened and a liberal judgment upon any proposed rule of commercial law, than if I had enjoyed the good fortune of being brought up in a counting-house, and had been accustomed to view commercial subjects in their practical details with an eye chiefly to my own profit. Few men, indeed, are so much above prejudice as to form an impartial judgment upon the general policy by which their own pursuits of gain ought to be regulated; and I hope I shall give no offence, as I mean none, when I say, that if there be any particular subject on which I should be inclined to pay little deference to the opinions of bankers and merchants, it would be precisely upon the subject of a rule for the regulation of property in which they consider their own peculiar interests to be involved. To the judgment of my right hon. friend I am disposed in all cases to defer. I am ready to own, that if I could persuade myself that he was master of the whole subject, I should feel much hesitation at coming to a conclusion differing from his.

I shall not trouble the House by reading a commentary on each particular clause of this bill. The whole affords a very happy example of the circumlocution and obscurity that distinguish the style of modern legislation. The main object which is discernible through all its mystification, I take to be this; to enable agents and factors to raise money for their own use, or to pay their own debts, by making a binding and lawful pledge of the property of their principals, without their consent or authority. This is the substance of the second clause, and is the only substantial ground of my objection to the measure. With respect to the first clause, which I am aware is but a repetition of part of the act of 1823, though it occupies so considerable a space in the printed bill, its meaning may be stated in very few words, and is perfectly innocent. It amounts to no more than this, that the consignor, or person in whose name goods are consigned by the authority of the true owner, and who is therefore the apparent owner, shall be taken to be the true owner, for the benefit of the consignee to whom they are sent, unless the consignee have notice previously to his advancing any money upon them, that the consignor, in whose name they are shipped, is not the true owner; and moreover, that such consignor shall be deemed to have been the true owner, or intrusted therewith for the purpose of consignment or sale by the true owner, unless the contrary shall be shewn in evidence by any person disputing such fact. Whether my learned friends on the other side discover any thing new in this clause, I cannot pretend to judge. The only novelty I can find in it, after much consideration, is the very elaborate and prolix contrivance by which one of the plainest rules of common sense and common law is mystified and obscured; unless, indeed, which I cannot suspect, it was intended darkly to shadow out something of the same object which is explicitly stated in the second clause.

Another part of the bill is also to be found in the act of 1823, namely, that which enables a factor, who has advanced money to his principal, and thereby obtained a lien upon the principal's goods in his hands, to communicate the benefit of that lien to another, by pledging the goods to that extent. This part of the measure always had my approbation. My right hon. friend seems to express some surprise at this. He will surely do me the justice to recollect, that my opposition to the bill introduced by the member for Midhurst in 1823, was confined to such parts of it only as were finally abandoned in that session; and, that so far from opposing this, which I considered the only material part of the act which then passed, I communicated to him the form of a bill for carrying it into effect, which I thought, and which I believe he found, was both much shorter, and more explicit than the bill which was before the House. In truth, I have ever considered that the decision of the judges which denied to the factor the benefit of raising money upon his lien, was founded on too narrow and technical a view of the rule. It is remarkable, that both lord Kenyon and lord Eldon, coming from a court of equity, were each at the first disposed to allow that privilege; they considered that the equitable lien of the factor, though he had parted with the actual possession of the goods, was sufficient to justify the pawnee in detaining them till his own claim, to that extent, was satisfied. But the other judges of their respective courts applied a well-known rule of law, that he who parts with his possession loses his lien, and held in consequence, that the factor, by giving possession of the goods to the party advancing him money upon them, lost his power of retaining them against his principal for the satisfaction of his demand. Perhaps they might, without any deviation from this rule, have considered the pawnee of the factor as merely his agent for retaining possession, on his behalf, of the goods till his demand against the principal were satisfied. However, the law on this particular subject, as laid down by them, has been corrected by the act of 1823, which is proposed now to be re-enacted; and I repeat, that to this part of the measure I make no sort of objection.

But it is proposed by the second clause of this bill, which I consider to embrace the substantial object of the whole measure, to enable any person whatever, who shall be intrusted for any purpose whatever, with any bill of lading, warrant, wharfinger's certificate, or order for the delivery of goods to order or bearer, to sell the goods therein mentioned, or to pledge them for the purpose of raising money upon them for his own purposes, or to pay his own debts with them to the prejudice of his principal, the true owner of the goods, and without his authority, consent, or knowledge. And this, though the person intrusted have no lien upon the goods, no claim of any kind upon the owner; nay, even though he may be a debtor of the true owner, or may be his servant, or the clerk or servant of his factor or broker. This I pledge myself to the House is the true meaning and effect of this clause as it now stands. The proposed alteration of the law is not confined to the case of a factor intrusted with goods for sale; but extends to give an express legislative sanction to the fraud of every species of agent or servant whom it may be necessary to trust with the receipts of goods for any purpose whatever, and who may chance to find, as doubtless he always may find, a money-lender discreet enough to accept his pledge of the warrant or order for the delivery of the goods without pressing for any inconvenient information. I own, Sir, that I cannot give my assent to so very important, and so very mischievous a change in the law which regulates property; nor can I persuade myself that my right hon. friend, whose enlightened views, and correct opinions in general, I have ever felt the greatest pleasure in acknowledging, or that the gentlemen who have won him to their notions upon this subject, can be aware of all the consequences of a measure which, unless I am greatly deceived, without any necessity or adequate advantage, holds out a premium for fraud, and exposes the whole commercial property of the empire to become the prey of dishonest servants and crafty usurers. Are they aware, that every merchant who has goods in a dock or warehouse, is in the habit of trusting his clerks and his brokers with warrants and orders of the exact description specified in this clause? That the broker in his turn trusts his clerks and inferior agents? In fact, no merchant attends the delivery of his own goods, and hardly any broker personally receives the goods of his principal when he has an order for that purpose. So that when this law shall have come into operation, there will be scarcely any parcel of merchandize in the metropolis, or in the kingdom, that may not find its way into the safe custody of some money-lender by profession; who, under the sanction of an act of parliament, made apparently for his encouragement, may open an honest shop for the reception of all manner of goods without asking any questions.

But it has been said on a former occasion in this House, that the law that a factor cannot pledge the goods of his principal, is of modern introduction in this country; that it is derived from a particular case, of Patterson *v.* Tash, and that even that case was not properly understood. This statement is, I believe, derived from a very learned and ingenious publication; for the author of which I entertain a high respect and esteem, though I differ from his reasoning and his conclusions. He has been, I conjecture, the original promoter of this bill, and the real source from whence the numerous bankers and merchants, who are so much alarmed at the present state of the law, have gathered the first notions of their danger. I may remark, by the way, that it is somewhat inconsistent to find so much deference paid to the opinions of a lawyer. The course that gentleman has adopted is, to select particular and extreme cases in which the application of the law to innocent parties has produced great hardship; and to dwell upon the feelings which such cases are ever apt to excite, for the purpose of raising a prejudice against the general rule. This mode of reasoning, which is common enough, however captivating, is very fallacious. Most of the cases which call for the opinions of the judges, are those in which the facts are of a very complicated nature, of very rare occurrence, and in which a difficulty has been found to ascertain under what precise rule of law they are to be classed. Judges are often bound to apply a rule to a particular case against their own wishes and feelings. They are compelled to decide by general rules, without regard to particular consequences. The utility of these rules is not to be measured by the extreme and doubtful cases to which they are sometimes applied, but by their influence on the ordinary transactions of mankind. There is no rule, either of property or of morals, which may not in its application to extreme and difficult cases, appear severe and unjust. It is unnecessary to enumerate instances, which abound even in writers upon moral obligation; the whole argument is embodied in the just understanding and application of the well-known maxim "summum jus summa injuria." I shall not dwell further upon this topic, except to observe, that whatever objections my right hon. friend may feel to particular cases of great hardship, I can assert, upon my own experience, that the vast majority of instances to which the rule is applied—instances which do not find their way into printed reports—are those in which the party advancing money to the factor, has had strong reason to suspect that the goods were the property of another; and in which all the feelings of compassion and sense of injury would be awakened on behalf of a defrauded principal.

But it is a great error, to suppose that the rule of law that a factor cannot make a binding pledge of the goods of his principal contrary to his authority is derived from the case of Patterson *v.* Tash, or from any other case. Decided cases serve to illustrate the law; they do not make it. Neither is the rule in question founded upon any principle peculiar to the law of England: it is the necessary consequence of the right of property. Amongst savages, possession is the only rule of right. The advantages and the necessity of commerce amongst civilized nations have introduced a different rule. It is impossible that the true owner of personal chattels should always retain the manual possession. He must intrust them to agents; more especially, if they are to be transported to, and exchanged at, a distance from his own residence. Hence, in proportion to the extent of commerce in any nation, does the mere *right* of possession, or the *actual* possession of, merchandize (that is, of goods not appropriated for consumption, but in an exchangeable state), become less and less to the mercantile world the evidence of property. It is directly contrary to the fact, to assume that any banker or merchant takes it for granted that the holder of merchandize in a warehouse, or of a bill of lading of merchandize in a ship in transitu, which is but a title to receive the possession on arrival, is therefore the true owner. It is perfectly known, that almost every merchant is also a factor; that the bills of lading or other documents authorizing the holder to receive possession of goods, are, upon the question of title, altogether ambiguous, and remain to be explained by the bills of parcels, the invoices, or the letters of advice, of which he is surely in possession if he be the purchaser. I believe this position will not be questioned by any commercial gentleman in this House. Sure I am, that no jury of merchants would believe any man who would venture to deny it, even upon his oath. That I may not, however, be supposed to state this proposition with so much confidence on my own authority, I shall beg permission of the House to read a passage from a judgment of the late lord Rosslyn; to whom I the more willingly appeal upon this occasion, because he was not only most eminent as a lawyer, but possessed all the endowments which a liberal education and a general intercourse with the world could bestow on a gentleman. This distinguished person says, "A bill of lading is the written evidence of a contract for the carriage and delivery of goods sent by sea for freight. In the usual form of the contract, the undertaking is to deliver to the order or assigns of the shipper. By the delivery on board, the shipmaster acquires a special property to support that possession which he holds in right of another, and to enable him to perform his undertaking. The general property remains with the shipper of the goods, until he has disposed of it by some act sufficient in law to transfer property. The endorsement of a bill of lading is simply a direction of the delivery of the goods. When this endorsement is in blank, the holder of the bill of lading may receive the goods, and his receipt will discharge the shipmaster: but the holder of the bill, if it came into his hands casually, and without any just title, can acquire no property in the goods. A special endorsement defines the person appointed to receive the goods. His receipt or order would be a good discharge to the shipmaster: and in this respect the bill of lading is assignable. But what is it that the endorsement of the bill of lading assigns to the holder or endorsee? A right to receive the goods and discharge the shipmaster. If any other effect be attributed to it, the possession of the bill of lading would have greater force than the actual possession of the goods. Possession of the goods is primâ facie evidence of title: but that possession may be precarious, as of a deposit; it may be criminal, as of a thing stolen; it may be qualified, as of things in the possession of a carrier, servant, or factor. Mere possession, without a just title, gives no property; and the person to whom such possession is transferred by delivery, must take his hazard of the title of his author." The correctness of this definition, and of this reasoning, has never been doubted, though the application of the latter to the peculiar facts of the case from which I cite it was erroneous.* Under the shelter, therefore, of so high an authority, I return to the position, that in a civilized and commercial country, the actual possession of merchandise, much less the mere authority to receive the possession, to which alone the second clause of this bill relates, is not to the mercantile world an indication of property, when unaccompanied by invoices or letters of advice from the vendor or consignor. It is, on the contrary, highly probable, that the greater portion of the wholesale exchangeable merchandise in the commercial world is not at any given time in the immediate possession or control of the true owners; it becomes, therefore, absolutely necessary, unless we return to a state of nature, and take possession for the only rule of property, that the law should establish some general rules for the security of property to the owner, when it is not in his possession. Now, it is of the very essence of property, that it should not be changed by force or by fraud, or against the will of the true owner. It is also a rule of common sense, adopted not by the law of England only, but by the civil law which governs the greatest portion of civilized Europe, that an agent shall not bind his principal beyond the general scope of his authority. By the obvious application of this rule, and of the most essential notions of property to the relation of principal and factor, it follows that a factor who is intrusted to receive the goods of another for sale, or for any other specific purpose, cannot pledge those goods for the payment of his own debts, or for his own advantage, to the prejudice of the principal and against his will. For otherwise it would be in his power to change the property by a fraud; and without the consent of the owner, and to bind his principal beyond the scope of the authority reposed in him. I am not aware that by the law of any nation in Europe, ancient or modern, property is allowed to be changed or acquired by a direct fraud upon the owner; the general rule is the contrary. The cases where a change of property may be so affected, if they exist at all, are cases of exception depending on very peculiar circumstances. I know very well that it is roundly asserted, that the law respecting principal and factor, as it exists in this country, is peculiar; that the other commercial nations of Europe allow a factor to bind his principal beyond the scope of his authority, and to change the property of the true owner by a direct fraud upon him. To support this assertion, we are favoured with the opinions of learned foreign advocates. But I beg permission to say, that I require much better evidence than the opinions of advocates, to satisfy me of what I must consider so strange an inconsistency with the general rules for the security of property. Certainly nothing short of judicial decisions, upon cases well understood and defined, will satisfy me that the law of any other country in the world is opposed in this particular to the law of England. Nor should I even then be disposed to admit, that this country, to whose decisions on commercial subjects it has been for so many years the habit of the civilized world to defer, and to whose tribunals, vilified as they have lately been, the most enlightened foreigners look for the purest and best administered justice, ought to learn a lesson upon an important branch of commercial law from any nation upon earth. But as far as I have been able to inform myself, the learned advocates who have given these opinions, would not find them supported by judicial decisions. Sure I am, that the general principles to be found in the reported decisions of those countries where commerce most flourished, and where the rules of property were best understood, before England became the most distinguished of nations for both, are in direct contradiction to these opinions. It has occurred to me, also, to have ascertained the opinion of a very eminent foreign judge upon this particular question before it was brought under the notice of parliament. If the House will permit me, I will shortly state the particular case in which the question arose. It does not furnish a bad illustration of the principle; and if I state it incorrectly, it will be in the power of my hon. friend, the member for Taunton, to set me right. Some years ago, the House of Alexander Baring and Co. employed a certain broker, of the name of Coles, to sell for them eighty-four hogsheads of Surinam sugars. Baring and Co. had been in the habit of employing this broker, and of handing to him orders for the delivery of goods from the docks, and of allowing him to deliver the orders or the goods to the purchasers, and to receive the money. Coles was not only a broker, but dealt largely on his own account, as a merchant, in buying and selling goods. In this latter capacity, he had frequent dealings with the House of Corrie and Co. at Liverpool; to which House he was indebted upon his acceptance to a large amount when they became the purchasers of these eighty-four hogsheads of sugars. Coles sold them as his own property on his own account, and transmitted an invoice of them in his own name, accompanied with the dock warrant, or order for delivery, endorsed by the importers, Baring and Co. to be delivered to Coles or order. I must here explain, that goods in the West-India dock are landed and housed in the name of the importing merchant, who receives a warrant from the Dock company, by which he is recognized as the person to whom, or to whose order, the goods are to be delivered. This warrant, like a bill of lading, he may either endorse in blank, which makes the goods deliverable to the bearer, or to the order of any specific person, who may in his turn endorse it again. When the goods are sold, it is usual to hand over the warrant endorsed to the purchaser, or to the broker, or to the bearer, as the parties desire; and it imports, in each case, that the goods are no longer under the control or order of the importer, but of the endorsee or bearer as the case may be. It becomes, in fact, when so endorsed, the exact description of warrant or order mentioned in the second clause of this bill. The warrant, in this particular case, was in the hands of Coles in that state which entitled him to receive the sugars himself, or to assign the power of receiving them to any other person, or to the bearer. With the invoice of the sugars, Corrie and Co. received the order endorsed by Coles to them, by virtue of which the sugars were delivered to the agents of Corrie and Co. Before the time when the usual period of credit expired, Coles became bankrupt; after which, Baring and Co., to whom he was a debtor, gave notice to Corrie and Co. not to pay the purchase money to Coles, but to them. In fact, Coles had delivered a contract to Baring and Co. by which he had led them to suppose, that he had sold the sugars in their names as their property. Corrie and Co. being creditors of Coles, and holding his acceptances over due, insisted upon their right to set the price of the sugars off against these acceptances, they having purchased the goods, without fraud, as the property of Coles, and made no contract with Baring and Co. of whose interest they had no notice by the warrant or otherwise. An action was brought by Baring and Co. to recover the price from Corrie and Co. upon the precise ground of that law, which it is the intention of this act to abrogate; namely, that the possession of the warrant did not alter the character of Coles as an agent; that he was not authorized to sell the goods as his own, nor to pay his own debts with them; that by such a sale, he could not bind his principals, who had at any time before payment of the money, a right to intervene. The cause was tried before lord Ellenborough and a special jury of merchants at Guildhall. The jury, who were not then in possession of any new lights upon the subject, without hesitation gave a verdict in favour of Baring and Co. against the inclination of the judge, who thought that this case ranged itself within certain exceptions to the general rule, with which it is not necessary to trouble the House. In consequence of his doubts, the Court granted a new trial, and directed the facts to be stated in a special case for the more solemn consideration of the judges. The case was argued twice. The counsel for the defendants did not fail to urge the popular argument of which the supporters of this bill avail themselves; namely, that Baring and Co. trusted Coles with the order for the goods, and to receive the money; that if the bankruptcy had not intervened before the credit expired, the account would have been settled exactly as Corrie and Co. now contended it ought to be; and that Baring and Co. must have looked to Coles alone, in whom they had confided, as their debtor: in fact, that the mere period of the bankruptcy ought not to make a difference in the rights of the parties. The Court, however, finally decided the case, as the jury had done, in favour of Baring and Co. Whilst this case was depending, I had the opportunity of submitting it to a very learned and sagacious judge of the Cour Royale of Paris, who was then in England, and whose talents are known to this nation as well as to his own, by a very distinguished publication upon the judicial proceedings of this country. He was surprised at the doubt entertained on the case by the English judges, and assured me, that the Courts in France would have found no difficulty in deciding, that Coles, being a mere agent, could not bind his principals by a sale of the goods as his own, so as to preclude the principals from asserting their title and interest in the contract whenever they chose to intervene before actual payment.

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* Lickbarrow v. Mason.

Here then, at least, is one unquestionable authority against the learned opinions I have alluded to. With respect to the case, I think it was rightly decided; but I beg to assure the House, that if the proposed law had then been in existence, Mr. Coles might not only have made a legal and binding sale of the sugars as his own, but might have pledged them to any person for a loan to himself, to the prejudice of his principals, and contrary to the authority reposed in him. For be it observed, that Coles, though not a factor, was precisely in the case of a person intrusted with a warrant or order for the delivery of goods to order; which document gave no notice that any other person was the owner. He would, therefore, in the words of the second clause, have been deemed and taken to be the true owner, so far as to give validity to any contract for the sale or pledge of the goods to any person whatever, to whom he did not think it expedient to give notice that he was not the true owner, and who might think it not expedient to ask for his invoice, or to make any other inquiry.

I now return to the general question, which may be stated thus: Shall an agent who holds a bill of lading, or other order for receiving the goods of his principal, for the purpose of sale, or for any other specific purpose, having no claim whatever against the principal, have power by law to raise money upon these goods by pledge of the document or order, for his own benefit, or for some object in which the principal has no interest, and thereby, if he becomes bankrupt or insolvent, deprive his principal of the right to reclaim the possession of his property remaining unsold, except upon the condition of redeeming the pledge? This is the main object of the measure, in whatever manner it may be mystified. Now, to determine fairly upon this question, it is necessary to consider who are the parties that can have any interest in it. The first is the principal whose goods are placed in jeopardy; the second is the agent or factor; the third is the money-lender. I am aware of no other. I presume no argument can be necessary to satisfy a common understanding, that the principal or true owner of the goods can never be the advocate of a measure, that has a manifest tendency to diminish his own security. It may be said, and, if I remember right, the topic has been employed in this House, that the facility of raising money upon the pledge of goods has a tendency to prevent their being thrown upon a falling market, and that the owners of goods upon sale have a general interest in this, which outweighs the risk they run of the insolvency of their factors. It is difficult to deal with an argument that presents itself in so abstract a form. I believe that the owner of goods on sale is more apt to consider his own individual hazards and interest, which he can easily comprehend, than the general interests of the extensive class in which the argument places him. If a factor has actually advanced money, or accepted bills for the benefit of his principal, it is admitted that there can be nothing unjust or injurious to the principal in permitting the factor rather to pledge the goods for reimbursing himself, or paying the bills, than to compel him to a forced sale of the goods. This case, when it occurs, every owner of goods can understand. He can see that his interest is in no way prejudiced, since he must pay the money due to the factor by the sale of the goods or otherwise. But beyond this point, I am persuaded, that the general abstract interest of vendors in sustaining high market prices, would never be of sufficient force to induce an owner of particular goods to put them in hazard for the credit of a factor. On the contrary, I believe, that the owner of goods would never trust them with a factor to whom he was not indebted, but upon the understanding that the factor had capital enough to sustain his credit without in any measure sacrificing the property of his principals. It is well known, that in a great variety of trades there exists a competition amongst factors, which induces them to offer various portions of the invoice price by way of advance to their principals, in order to invite a preference. Now, this mode of dealing plainly implies, that the factor holds himself out as in possession of adequate capital to do even more than the strict duties of a factor require. How then can it be assumed, that the principals generally anticipate the possibility of a want of credit in their factors leading to forced sales? But if this general theory of the abstract interests of the owners of goods on sale were founded on truth, it ought to follow, that the factors should be rather encouraged than not, to raise money by pledges; whereas, by an inconsistency somewhat new in legislation, they are by this bill declared criminal, and made liable to fourteen years' transportation, for doing that which the argument supposes to be a general benefit, and which the same bill sanctions and makes binding in law upon innocent parties who are defrauded by it. Moreover, I am not prepared to admit that there is any public benefit resulting from that degree of facility in procuring money upon goods, which tends to raise them to an artificial price. It is far from my intention to embark upon this topic in the present argument; but I think my right hon. friend must agree with me, that the power of turning every commodity in the market into its nominal value in currency, which in effect is the enhancing of prices by an indefinite augmentation of that currency, and not of the real wealth of the country, implies an artificial state of the currency, which can neither be lasting nor advantageous to any community.

The next party whose interest is involved is the factor. Now it may well be doubted, whether a law which carries along with it a penalty upon him, can be intended for its benefit. And it may, I think, be assumed, that there is as little of wisdom or policy as there is of morality, in making a law for the express purpose of sanctioning the fraud, and increasing the power of a dishonest agent. It is plain that the law is applicable to such agents only. An honest factor may undoubtedly be reduced by misfortune to the necessity of borrowing money; but I deny that any honest man will borrow money upon the goods of another, in which he has no interest; still less will an honest man make a false representation of his title to the goods on which he seeks to borrow money. These propositions surely cannot be doubted. It follows, then, that the interest of an honest factor cannot be concerned in this law. That it will serve the ends, and gratify the wishes of some factors, I entertain no doubt; but I cannot think it either necessary or wise in the legislature to pass a law for the benefit of that description of factors, to whom alone, I am most confidently of opinion, that this law, when rightly understood, will appear to be beneficial. They will calculate upon the remote risk of prosecution by a principal residing abroad; whom they will always protest they intended to serve, not to defraud, when in a season of necessity, produced by their own imprudent speculations or extravagance, they find it expedient to satisfy their English creditors, by distributing amongst them the goods of their principals; and at all events, to make no enemies of their bankers, with whom, when their difficulties are over, they may desire to open a new account.

The only remaining party whose interest is to be considered, is the lender of the money upon the pledged goods. To him I most freely admit that the proposed law is highly advantageous. Nothing can be more useful or desirable to the lenders of money, than a rule of law which may dispense with all caution about the nature of the title on which they lend. To them it would be highly advantageous to make the mere naked possession of property of all descriptions, and in all cases, a conclusive title against all mankind. They might then accept property of all sorts, and from all manner of persons, upon pledge without risk. It would greatly facilitate all transactions of lending money, and add much to that species of commerce, if it were clearly established that the lender was never called upon to make any inquiry about the title of property offered in pledge. It is very well understood, even now, that the shops which buy or advance money upon all manner of goods without asking questions, have a vast superiority of custom. But, unfortunately, an opinion has hitherto prevailed, which has tended to discredit this species of traffic. It has been thought, perhaps from mere prejudice, that if there were no receivers, there would be fewer thieves; and that one of the best modes of protecting property from fraud and plunder, is to expose the receiver, in some cases, to punishment, and in all cases to the loss of the property which he has received through the felony, the fraud, or the embezzlement of the party from whom he obtained it. It has been thought, moreover, a strong argument against the receiver, that he should have made no proper inquiry of the party offering him property upon pledge or sale. The man who voluntarily turns his eyes away from the light, that he may afterwards seek for shelter in his own ignorance, surely suspects the existence of that which he thinks it not safe to discover too clearly. If this observation be just, it is as applicable at least to the best informed merchants and bankers, as it is to the more ignorant part of mankind. It is, therefore, very fit to be considered, admitting the benefit of this law to money-lenders, whether it can be of any real advantage to commerce to introduce this sort of morality into it by act of parliament, and to what extent, if once introduced, it must be carried.

Now it is manifest, that a banker or merchant applied to by a factor to lend money upon the pledge of goods, must be aware, that if the borrower is honest, and means to pledge none but his own goods, he cannot possibly have the slightest objection to make his title to the goods known, by producing his invoice, or his letters of advice. The application for money discloses his necessity. The disclosure of his title, if it be a good one, can have no other effect than to strengthen his credit. No man who wants credit can feel any desire more natural or more strong than that of displaying the resources which can best procure him credit. He gains confidence by it, is the more certain of immediately attaining his object, and can by no possibility do himself or any other man any injury by it. In all imaginable cases, therefore, where such an application is made by the holder of bills of lading, or other orders for the delivery of goods, without at the same time shewing or offering to shew his invoices or letters of advice, the money-lender has, from that very omission, the more reason to suspect, that the ambiguous documents which are alone produced, are held by the party applying in the character of a factor or agent, and not that of a principal. The plain dictates of honesty and good faith in such a case, surely more imperiously prescribe, that the lender should demand an inspection of the particulars withheld. Wherever he omits to do so, the inference is plain, that he fears he may be pressing for an embarrassing disclosure. Those who are conversant with cases of this kind in courts of law, are well aware of the many shifts to which he who is desirous of lending money to a needy man, upon pledge of goods, without risk, is obliged to resort. The most common of these is a fictitious sale of the goods. The suspicious lender, unwilling to embarrass his friend, or to imply a doubt of his integrity, which he really feels, is not disposed to take goods upon pledge, but he has no objection to purchase them, if he can be sure of a small profit. The borrower has no difficulty in gratifying him; he offers to purchase the goods to be paid for at a future day, at a small increased price. Sometimes a third party intervenes, who becomes the intermediate buyer and seller. I appeal to my hon. and learned friend, the Attorney general, if he has not had very recent experience in the court of King's-bench, of these dexterous expedients. They are, it must be owned, not so convenient a machinery for fraud as the more direct road opened by this bill; and what is worse, they are sometimes, more especially in cases of bankruptcy, found ineffectual. The basis of the transaction is fraud, and it has hitherto been one of the most universal maxims of the common law, that fraud vitiates and avoids all transactions of which it makes a part. But this bill proposes to qualify that maxim, in the particular case in which the fraud and dishonesty of the borrower of the money, is combined with the affected ignorance and real suspicion of the lender. For no advantage then of the principal, for no advantage of the honest factor, but for the mere benefit and security of the careless at least, if not the crafty and suspicious lender of money, a law is to be passed, whereby a dishonest factor or agent of any kind may more successfully defraud his principal. Is the necessity of lending money then so urgent, that it must be the paramount object of legislation? Or is it worthy of the character of the law of England that it should lend an express and positive sanction to such transactions? That it should proclaim free liberty of fraud as part of the freedom of trade, and consecrate in the very sanctuary of legislation the principles of treachery and spoliation?

But is has been said, that admitting the factor to be guilty of fraud, and to merit punishment, the question is between two innocent persons, which shall bear the loss resulting from that fraud, the one who has placed confidence in a dishonest factor by trusting him with his goods for sale, or the lender of the money who has placed no confidence, but exacted the security of goods for his loan? It will be easy to show the sophistry of this mode of stating the question. In the first place, it is not true that the lender has placed no confidence in the factor, but just the reverse. The lender, knowing that the true owner of merchandise must always be in possession of documents to prove his title, has chosen to rely upon the representation of the borrower, or upon an ambiguous bill of lading or order for delivery, without demanding those documents. In the next place, the lender was aware, that the borrower was pressed by some urgent call for money, and that a man who is obliged to borrow is never unwilling to show his title to credit if he has any. It is the lender, therefore, who, disregarding circumstances that ought to have excited his suspicion, has placed an unwary confidence in the mere personal character of a necessitous borrower. Whereas the principal, more especially the foreign principal, has less means of knowing the circumstances of the factor, and has confided to him nothing but what was warranted by the usual course of trade. Every man who carries on a particular branch of business, holds himself out to the world, and may be reasonably presumed by those who deal with him in that line only, to have competent skill, integrity, and resources for his ordinary business. Nor can it be reasonably supposed, that any owner of merchandises would intrust them for sale, to a factor whom he thought deficient in any of these points. But the man who deals with a factor, not in the way of his business, but in transactions of lending him money, must surely know best, or at least is bound to know best, what are his resources. Besides, the foreign merchant is under the necessity of trusting his goods to a factor for sale; he cannot otherwise conduct his commerce. But what necessity has any man for lending his money upon the pledge of goods? What obliges him to do so without first ascertaining the title of the borrower? How would commerce suffer if no factor should hereafter ever be able to obtain money upon goods in which he has no claim or interest? The true way, then, of stating the question seems to be this: Whether of the two parties, supposing them equally innocent of fraud, shall the loss fall—upon him who has lent his money without necessity, without inquiry, and under circumstances that justified suspicion, and called for inquiry; or upon the owner of the goods, who was under the necessity of trusting an agent with them, who did not know of the embarrassment of that agent, and who has no negligence or want of caution to reproach himself with?

But it is said, that the foreign principal may easily protect himself from the fraud of his factor by inserting his name as agent in the bill of lading. Those who insist upon this topic have not considered, and probably are not aware, how many questions and how much litigation will necessarily arise from the introduction of a new clause into a long-established and well-understood instrument. Many doubts will occur as to the rights of third parties, as well as of the agent himself, under such a bill of lading: at present no doubt exists. I have been endeavouring to shew that no necessity exists for the alteration, and that no advantage can be gained by it. Indeed, I am much disposed to believe, that the benefit expected from this new law very much depends upon the persuasion that no such alteration is likely to be made. But let it be recollected, that this measure is not confined to a bill of lading, but extends to every warrant or order for delivery of goods. Now, supposing the bill of lading to denote the factor as agent, it must always depend on his pleasure whether his name or that of his principal shall appear at the wharfs, at the docks, or at the brokers, or in any of the subsequent documents which are enumerated in this bill.

But the true way, as it strikes me, of considering the principle of the law on this subject, is to examine what authority is to be inferred from the actual possession and custody of merchandise; for surely it is a solecism in reasoning, to infer a greater right and power in the holder of the mere order or authority to receive the possession, than in the actual possessor. To say that the custody of the various documents, which entitle the holder of them to receive possession of merchandise, shall be conclusive evidence of his right to transfer the property, but that the actual possession of the merchandise itself, which is the result and consequence of these documents, and in effect the very consummation of their object, shall confer no such right, is a manifest absurdity. It seems, therefore, that the necessary consequence of this law is to revive the ancient and only rule of property in the first stages of society; namely, possession. Now, it may be worth while to pause for a moment, for the purpose of inquiring to what extent this ancient rule of property may be carried in our present artificial condition. If the possession of personal chattels is in all cases to enable the possessor to make a binding disposition of them, then it follows, that the renter of a ready-furnished house may make a binding pledge of the furniture to a pawnbroker; that a servant intrusted with his master's goods, jewels, or plate, may sell or pawn them to a broker for his own benefit; that a drover, intrusted with a farmer's cattle or sheep for sale in Smithfield (he is properly a factor), may pay his own debts with them, or raise money upon the pledge of them. Nay, why shall not a coachmaker pledge or sell a carriage sent to him for repair? or a stable-keeper, horses standing with him at livery? or a gentleman, his job-carriage and horses? All these, and a thousand other cases, depend on the principle now proposed to be subverted for the benefit of those who have money to lend. It would be more simple and intelligible to declare at once, that possession is in all cases conclusive evidence of title.

It is said, however, that a bill of lading is a negotiable instrument by the custom of merchants, and that there is no reason why it should not circulate like a bill of exchange, the property in which is always transferred by endorsement for a valuable consideration. It is certainly true, that by the general rule a bill of exchange is transferred by endorsement, without reference to the title of the endorser. But this rule is subject to certain exceptions in those cases where the bill is offered or endorsed under such circumstances as ought reasonably to have excited the suspicion of the party accepting it. If in such cases he takes it without inquiry, though he gives the full value for it, the property is not transferred to him. But in fact, there is no just analogy between a bill of exchange and a bill of lading, any more than between the things they represent. A bill of lading is a contract for the carriage and delivery of goods to the shipper, or his order, or the consignee. It entitles the holder to receive the goods. By the custom of merchants, the power or title to receive the goods may be transferred by endorsement; but the property in the goods cannot be transferred by endorsement, except by the true owner. The indorsee of the bill of lading receives the same title as the endorser had, and no more. The title to receive possession cannot give a better right than the actual possession. A bill of exchange, on the contrary, is the acknowledgment of a debt from the acceptor to the drawer. It represents neither specific goods, nor specific monies, but imports a debt which may be paid in any lawful coin, and which, by the custom of merchants, may be transferred to an endorsee. If that endorsee should be but an agent, he would nevertheless be accountable to his principal only in the character of a debtor, and not for the delivery or safe custody of any specific monies. The receipt of money by an agent for his principal, by the laws of all nations, makes him a debtor to his principal, and he may discharge that debt by paying the same amount in any other lawful coin. The currency of a nation, or that which represents the currency, as a bill of exchange, has been deemed of too fugitive a nature to be placed under the same regulations in all respects as other property. As far as I know, the distinction exists in every civilized country. It is founded upon the very nature of the thing. The loan or deposit of a horse, or other specific chattel, implies a contract to return the same individual article: the loan of a guinea, or of a sum of money, implies no such thing; if it did, what would become of the profits of a banker? The cases of a bill of lading and a bill of exchange would be more parallel, if the bill of exchange were for a particular sealed bag of money; but then it would cease to be a bill of exchange, and become an order for a specific bag of money, not intended to circulate, but to be brought to the true owner in that form.

For the purpose of illustrating further the distinction between bills of lading and bills of exchange, and indeed of expressing my own sentiments on the whole subject in language of higher authority, I appeal once more to my lord Rosslyn. In the same judgment from which I before cited a passage, that learned person says, "Bills of exchange can only be used for one given purpose; namely, to extend credit by a speedy transfer of the debt which one person owes to another, to a third person. Bills of lading may be assigned for as many different purposes as goods may be delivered; they may be endorsed to the true owner of the goods by the freighter, who acts merely as his servant; they may be endorsed to a factor to sell for the owner; they may be endorsed by the seller of the goods to the buyer; they are not drawn in any certain form; they sometimes do, and sometimes do not express on whose account and risk the goods are shipped; they often, especially in time of war, express a false account and risk; they seldom, if ever, bear upon the face of them any indication of the purpose of the endorsement. To such an instrument, so various in its use, it seems impossible to apply the same rules as govern the endorsement of bills of exchange. The silence of all authors treating on commercial law, is a strong argument that no general usage has made them negociable as bills. And unless there was a clear established general usage to place the assignment of a bill of lading upon the same footing as the endorsement of a bill of exchange, that country which should first adopt such a law, would lose its credit with the commercial world; for the immediate consequence would be, to prefer the interest of the resident factors, and their creditors, to the fair claim of the foreign consignor. It would not be much less pernicious to its internal commerce; for every case of this nature is founded in a breach of confidence, always attended with a suspicion of collusion, and leads to a dangerous and false credit at the hazard and expense of the fair trader."

Before I conclude, I would call the attention of the House to the very peculiar situation in which an owner of goods may find himself placed by this law. By the laws of Russia, and of some other countries, the owner of goods actually shipped, who may have transmitted bills of lading duly signed by the master of the ship to his factor in London for sale, has a right, if he hears of the insolvency of the factor, to compel the master of the ship, before she quits her final port of departure, to re-land the goods upon paying a reasonable compensation for the freight, or to sign fresh bills of lading. What would be the surprise of such an owner, if he should afterwards accompany his own property to England, to find, that some rich merchant or banker in possession of the first set of bills of lading, pledged by the insolvent factor, not only claims the goods, but is entitled by the law of England to maintain an action against him, the true owner, to recover against him the possession of his own goods? The predicament will be strange, and, I apprehend, will not be very honourable to the commercial code of our country. At present, notwithstanding the appearances that are exhibited of dissatisfaction with the existing law, it is my firm belief, that one, if not the chief cause of the superiority of British commerce, and of its triumph over all the absurd restrictions introduced partly by the supposed necessity of revenue, but chiefly by the narrow views of commercial men themselves, is the undoubted security which the laws of England afford to property. Her tribunals are resorted to by all nations, who repose with confidence upon the protection of her laws, as much as upon the integrity of her merchants. The effect of any alteration which shall enable a factor fraudulently to apply the property of his principal to pay his own debts, or to increase his own resources, must be, as I conceive, inevitably to excite great distrust. The probable result will be, to throw the foreign consignments into the hands of a few of the most eminent and affluent houses, such as the house of my hon. friend, the member for Taunton, perhaps the greatest now in Europe, whose known affluence and resources place them above the possibility of any breach of trust.

Sir, I beg pardon for having troubled you so long on so very dry and uninteresting a subject. Much more may be urged upon it than I think it convenient to urge at this hour, and upon a hopeless object. I shall not take advantage of the state of the House by dividing it upon the question, but content myself with giving it my decided negative.

Mr. *Huskisson* combatted the arguments of the hon. and learned gentleman. He entered, at considerable length, into the details of the bearing of the law as it at present stood, and stated the absolute necessity of altering it; a necessity the more pressing, as England, under the warehousing system, was now becoming the dépôt of the merchandize passing between the two worlds; and unless they were prepared to renounce all the advantages of that system. Every security ought to be given to advances made on the goods so warehoused. The consignors were, in numberless instances, not the owners, but drew their bills against goods, the property of different individuals who employed them to ship them. If, therefore, any person was to come forward and only have to state his ownership to enable him to invalidate the pledge on which money had been raised to enable the consignee to transact the business to the consignors' advantage, it was evident, that an entire bar must be placed to the raising money on any goods whatever; as no one could ascertain the real owner. The bill certainly did place the bill of lading in the situation in which Exchequer bills stood at present; as negociable securities; but the parties might always make the bill of lading special, if they chose so to do. As to the objection of trusting the clerks of brokers and merchants, it was well known that property to an immense amount was daily trusted to the clerks of bankers, from which no inconvenience resulted.

Mr. *J. Smith* said, that this bill originated with the merchants of London, who were exposed to the greatest frauds. For instance, he would suppose a merchant at Calcutta to ship 50,000*l.* worth of indigo to a merchant in London: he at the same time draws bills on him for 48,000*l.* which are accepted. The indigo does not belong to the Calcutta merchant, for no indigo grows near Calcutta; it belongs to a grower in Bengal, who sends it to Calcutta. The merchant in Calcutta fails, and the owner then comes and demands his goods from the merchant in London, who had already advanced nearly to the amount of their value. The same took place in the corn-trade. A corn-merchant at Boston, in Lincolnshire, ships a cargo of oats to London, the property of, perhaps, forty or fifty farmers. The corn-merchant draws bills for the amount on the factor at Mark-lane, which are accepted. The merchant at Boston fails, and the former claim their goods from the factor who had already paid for them. Such was the injustice and fraud which resulted from the present law. The only part of the bill that he was displeased with, was the clause postponing its operation till October 1826.

Mr. *Huskisson* said, the extension of the period was necessary, that all the parties whom it might affect should have notice of it.

Mr. *J. P. Grant* opposed the bill.

Mr. *Baring* supported the bill, both on account of its obvious necessity, and on the custom of merchants. All agreed in the inconvenience which resulted from the present state of the law.

Mr. *T. Wilson* supported the bill, and stated that it originated with the merchants of Liverpool two years ago.

The bill was then read a third time.

HOUSE OF COMMONS.

Wednesday, June 29.

COMBINATION OF WORKMEN BILL.] On the order of the day for bringing up the report,

Mr. *Hume* contended, that this bill did not go to do equal justice between the masters and the men; and ought not, therefore, to pass. The numerous petitions that had been presented against the combination laws ought to have been examined into. As it was, the petitioners might as well have kept their petitions to themselves. If it were shown that, by reason of any defects in his bill of the last session, any disturbances had happened in the country, he would not object to such alterations as might be proposed in the way of remedy. Out of 97 petitions that had been presented to the House on the subject of the combination laws, there were seven from masters, calling for an extension to them of a power to coerce their workmen. Into those petitions and allegations, it was the duty of the House to have entered. This bill, in its present shape, could not fail to work much injustice and conduce to much oppression. The masters might at all times prevent combinations against working, by contracting with the journeymen for a certain period. He knew that men who had been engaged in this manner had never quitted their work whilst combinations were existing all around them. The masters, then, had the remedy in their own hands, and had no right to call upon parliament to support them with the strong hand of power. He then read a long petition from certain journeymen, asserting their right to obtain what they considered a remunerating price for their labour. He agreed with the petitioners; and he was surprised that those members who advocated the principles of free trade could bring themselves to vote for this bill, the object of which was to reduce the rate of wages. He had heard it said, that low wages were a good thing. That he denied. Low wages tended to degrade the labourer. It was the high wages which the English artisan received, contrasted with those received by the Irish artisan, which made the former so superior in energy and independence of spirit. It appeared to him to be extremely inconsistent, that at a moment when mechanics' institutions were rising in all parts of the country, a legislative enactment should be determined on, which would limit the means of gratifying their newly-acquired taste for study. He again protested against the power given to magistrates by the bill to punish men for what was called molesting their fellow-workmen. He could not define molestation. Any act, however innocent, might be considered molestation. The House, perhaps, might consider that he was molesting them at that moment [Cries of "hear"]. That cheer convinced him that his objection to that part of the bill was proper; for an act of right and propriety, on the part of a workman might be construed to be molestation, just as it was in the present instance with respect to himself; for he unquestionably was performing a praiseworthy act in opposing an unjust measure.

The House divided: Ayes 56; Noes 2. The report was then brought and agreed to, with several amendments.

SPRING GUNS BILL.] Mr. Tennyson moved the third reading of this bill. The bill was accordingly read a third time.

Mr. *R. Colborne* then proposed a clause to legalize the use of spring guns in the night, which after some discussion the hon. gentleman agreed to withdraw.

Lord *Binning* moved an amendment, to allow their use in gardens and orchards, which, after debate, was carried, the numbers upon division being:—for the amendment 35; against it 26. On the question, that the bill do pass,

Mr. *Tennyson* begged to have it understood, that the motion did not procede from him. He would not be instrumental in moving that so anomalous and mischievous a measure as this had now become, should pass the House.—After a pause,

Lord *Normanby* moved the passing of the bill.

Mr. *Tennyson* said, that although he had conducted the bill to that point, he now felt it his duty to vote against it. The measure had been changed from one declaring the use of spring guns to be altogether unlawful, into one of mere regulation, and which, to a certain extent, was to legalize the practice. As the bill now stood, homicide by a spring gun was declared to be manslaughter on one side of the hedge, while on the other, it was for the first time to be sanctioned by law. He had rather leave the question with all the uncertainty, which, in the opinion of some, might belong to it, until another session, than be guilty of voting for a measure which, in its present shape, would give a legal existence to the very principle which it had been designed to stifle in its birth, as repugnant to reason and humanity and to the rule of law on which homicide had hitherto been alone justifiable. Neither would he ever have to charge his conscience with voting for any bill which was to authorize and recommend to the people of this country the brutal practice of employing these diabolical machines for the protection of any species of property whatever, be it what it might—his object had been, to put an end to it altogether; instead of which, it was now to a certain extent, to be legalized and established, perhaps for ever, and the new and frightful principle thus introduced might at a future period be indefinitely extended. If that House sanctioned the bill as now altered, he trusted the Lords would reject it. If it passed into a law it would be an eternal disgrace to the British legislature, and as he was anxious to rescue the House of Commons, and himself individually, from the odium and responsibility which would justly attach to them if they sanctioned it, he should vote against the passing of the bill.

The House divided: For the passing of the bill 31; Against it 32; Majority against the bill 1.

HOUSE OF LORDS.

Thursday, June 30.

Customs Consolidation Bill.] The Earl of *Liverpool* moved the second reading of this bill. The main principle on which the measure was founded was, he said, the doing away with prohibitory duties, and introducing certain regulations. There were, however, some exceptions: for instance, the bill did not interfere with the corn laws, nor with cattle now prohibited. He hoped, however, that this part of the subject would be brought, at another opportunity, under the consideration of parliament, as French cows were introduced under the name of Alderney, and this fraud was accomplished by means of the grossest perjury. A considerable change had been made with respect to the silk trade, the prohibition being removed, and a protecting duty of 30 per cent substituted. In mentioning cotton, he reminded their lordships of the remarkable circumstance, that the British manufacturer could undersell the natives of India in their own market, though the price of labour was here 2*s*. 6*d*. a-day, and in India only 2*d*. On paper the duty was also reduced. He should next direct their lordships' attention to the duty on woollens. Hitherto, the import duty had amounted to 65 per cent, but this measure proposed to allow importation with a protecting duty of 15 per cent. It was necessary to act on liberal principles of commerce, if we expected other countries to adopt a system of liberality in their intercourse with us. Upon this view the whole of these regulations of reductions were founded. But he now came to one branch in which the reduction was more considerable than any he had yet mentioned. He meant the great branch of metallic articles. The first he should mention was iron, in which the reduction was from 6*l*. 10*s*. to 1*l*. 10*s*. per ton. This important alteration was likely to prove highly advantageous to our manufacturers at the present moment; for, such was the demand for iron at Birmingham, that the manufacturers had for some time been unable to make all the articles ordered. In the article of copper, the reduction was from 2*l*. 14*s*. to 1*l*. 7*s*. He came next to lead, an article which could well bear a similar regulation; for the price of lead, which during the last ten years had been not more than 19*l*. 10*s*. per ton, had, within a few months, risen to about 30*l*. per ton. The reduction proposed on this article was from 1*l*. 16*s*. to 1*l*. The reduction of the duties on manufactured articles was from 50 to 20 per cent, and on unmanufactured articles from 20 to 10 per cent. It was probable that this system of regulations would make other countries adopt a similar course of policy. To do so, a just sense of their own interest would be a sufficient inducement; but it was proposed to lay an additional duty of 5 per cent on imports from all countries, the governments of which did not allow trade to be carried on with them on equal terms. He thought their lordships would agree with him, that the regulations he had described went as far as it was at present proper to go. In the distressed situation in which our manufacturers were some years ago placed, it would have been improper to attempt such a change; but the time for carrying into practice a liberal system of commerce had at length arrived. The principle acted upon, he repeated, was the doing away with prohibitions.

The Marquis of *Lansdown* concurred with the noble earl in every word he had stated. He regarded the measure as forming a very great and a very salutary revolution in the trade of the country.

The bill was then read a second time.

HOUSE OF COMMONS.

Thursday, June 30.

Combination of Workmen Bill.] The bill being read a third time, a clause for directing that justices should transmit to the sessions a copy of the commitment, and another, allowing appeal to the quarter session, were added to the bill, on the motion of the Attorney-general. Another clause, "that every master of workmen, and the father and son of such master, be rendered incapable of acting as a justice of peace in cases of complaint under the act," was offered by Mr. Hume, and negatived. On the question, that the bill do pass,

Mr. *Hume* said, that no individual, however high or low, ought to be coerced or controlled by combinations; but he was satisfied that nine-tenths of the recent disturbances had arisen from a want of conciliation between the parties; often, he was sorry to say, beginning with the masters, and attributable, perhaps, to long habit, from the existence of previous laws. These laws it was intended now to remove; and he hoped that, on the part of ministers, there would exist a determination to listen as well to the complaints of the men as of the masters, and that they would not hastily come to a conclusion unfavourable to those who had hitherto been oppressed. He had been anxious to protect them as far as lay within his power. He believed that the country at that moment was far from being in the situation repeatedly stated in the House. He had done as much as he could to obtain free labour for the men; and if he had a request to make to them, it would be, that they would avoid every possible interference regarding wages by threats, intimidation, or even molestation. He trusted that all magistrates who were called upon to sit in judgment upon cases arising out of this law, would act fairly and impartially between the accuser and the accused. It was, unquestionably, the interest of the operative classes to submit; and if they did submit and were oppressed, they would be sure to receive the sympathy of the public.

Mr. Secretary *Peel* denied, that there had existed any disposition to bear hard upon that class of persons, which, in point of fact, formed the main strength of the community. They had a right to be protected, and to receive impartial justice. Ministers had never felt the slightest inclination to attend to the interests of the masters, and to neglect those of the workmen. He had never heard in the committee or in the House, expressions regarding the combinations of the operative classes half so strong as some of those used by the hon. member for Aberdeen himself. They did him great credit, though they were not in exact conformity with his subsequent declaration. He alluded to a letter addressed to J. Allen, ship-wright, of Dundee, dated the 26th March, 1825, and signed Joseph Hume, which contained the following sentence:—"I am quite certain, that if the operatives do not act with more temper, moderation, and prudence, than they are now doing, the legislature will be obliged to retrace its steps, and to adopt measures to check unreasonable proceedings and exorbitant demands, too often accompanied with violence." The legislature was not prepared to go so far as the hon. gentleman recommended in his letter: it did not propose to retrace its steps, but to trust to the workmen, in the hope that they would attend to the dictates of justice and their own interest, by abandoning those abominable combinations, which interfered essentially with the freedom and prosperity of trade.

Mr. *Ellice* coincided with the sentiments expressed in the extract from the letter of his hon. friend. If combination attended with violence were continued, the destruction of the manufacturing interest must be the result.

Mr. *Maxwell* said:—In the attempt to compete with foreigners, whose manufactures are not subject to equal taxes, the master is induced to reduce wages for the purpose of preserving his profits. The abundance of labourers enables him to obtain his object, but his success is injurious to the workmen. They combine to prevent such injury, and to make him share the burthen of taxation, by payment of such wages as the taxes render absolutely necessary for the welfare and independence of themselves and families. When food and clothing are protected from the effects of high taxes, justice demands that labour should not be excluded from similar advantages; and combination must therefore be rendered legal, or a minimum of wages established. But capital may leave the country altogether, or cease to be vested in trade; and you must therefore provide such regulations as will prevent the total loss of profit on the one side, as well as the total inadequacy of remuneration on the other. Entire success is probably impossible; but you may effect a happier distribution of the profits of all trades, and preserve the workmen from the consequences of the excessive supply of labour which war, misapplied poor rates, and Irish elective franchise, have given birth to. Your legislation is surrounded with obstacles, and the master and workman, adverse in other things, unite in jealousy of your enactments, violence to masters or fellow-workmen is incompatible with the prosperity of every trade, and prejudicial to the nation. The executive government cannot refrain from arresting a system which invades the first principles of civil society, and degrades the character of the national institutions, with whose fame and preservation it is specially intrusted; and now that the appeal from summary decisions is conceded, the bill we are called upon to render law does not appear to me to impair the rights of either party, or to be such as to make its support inconsistent with the rights and privileges of the people. It leaves every facility to persuasion, to discussion, and to influence; and when we consider the sacrifice it costs to lose affectionate regards, to become an outcast from the friendly intercourse, the obligations, the good offices and the good will of society, we may, perhaps, conclude we have left every rational and equitable means to the workmen, to secure a fair participation in those profits which are the fruits of labour, skill, and capital. At this moment, under the present law, the weavers in my vicinity are, in part, dependent upon the landed interest, and prove that combination alone cannot secure even employment upon any terms; and this fact should satisfy those who object to this bill in the impression of its unfavourable spirit to the workman. I cannot conclude these observations without imploring this House to take into its most serious consideration the depressed state of the labourers of this empire, whether in agricultural Sussex, or in manufacturing Renfrewshire, and the criminal offences which are commensurate with it. The capital of the wealthy, their money, and the capital of the poor, their labour, are alike unprofitable, at a time when the world is employing, in the arts of peace, in the pursuits of comfort, and in the enjoyments of civilization, those resources recently wasted away in oppressive wars. Such an anomaly, when the right hon. Secretary for Foreign Affairs has opened the new world to our industry, and replaced us at the head of the nations of the old world, proclaims a defective financial system, which denies us the warmth which should accompany the splendor of our elevation and ascendancy.

The bill was then passed.

HOUSE OF COMMONS.

Friday, July 1.

Deccan Prize Money.] Colonel Lushington presented a petition from certain officers of the Indian Army relative to the Deccan prize-money. The petitioners stated their satisfaction at the conduct of the trustees. The hon. member said, he thought the claims of the army, in many respects, so extravagant, as to operate to the prevention of any speedy settlement of the business. The army had set forth an unsubstantial demand of 2,000,000*l.*, and they had, moreover, claimed the value of all the towns and palaces which had been captured by the British forces, and which had afterwards been given up to the native princes.

The *Chancellor of the Exchequer* was glad to hear the expressions of the petitioners. Never were men so severely treated as the trustees had been. They knew well what obloquy would attend the discharge of a duty so difficult. They were aware, that the most extravagant expectations were entertained, by both officers and men, as to the amount of the booty. Any other men would have shrunk from such a responsibility. The duke of Wellington had been advised to have nothing to do with it; but with a magnanimity not surprising in him, he considered that no man in the service could be better acquainted with the whole of the circumstances of the capture, than himself. From first to last, since he had taken the subject into his hands, he had been met by nothing but reproaches and calumnies, the most unfounded and undeserved.

Dr. *Lushington* persisted in the assertion, that the behaviour of the duke of Wellington and Mr. Arbuthnot, as trustees of that booty, had been most unprecedented. The expectations of all the claimants could not have been so extravagant as had been represented. Many of those expectations had been founded upon sound principles. The claimants had a right to have their claims investigated fairly and openly, and not to be settled behind their backs, as the trustees had attempted. Amongst the claimants were to be found the commander-in-chief and his staff; and these persons, surely, could not be supposed to have acted irregularly in setting forth their claims. Every thing desired might have been easily obtained, if the trustees had condescended to hold communication with the agent or solicitor of the army.

Sir *H. Hardinge* complained of the mis-statements and calumnies of an anonymous pamphlet published against the duke of Wellington. The fact was, that until 1823 the trustees had nothing to say to the distribution of the prize-money. Since then, sir T. Hislop had been required to give in a list of the claimants, which was not delivered till the 5th of June. So far the fault of the delay was attributable to sir T. Hislop. The fact was, that both the duke of Wellington and Mr. Arbuthnot had laboured indefatigably in the business on behalf of the army. He was sorry he was not in the House on a previous evening, when a learned civilian had said, that a certain written answer given by the duke of Wellington was impudent and insolent in the highest degree. To be sure it was easy for gentlemen in their places to give utterance to expressions with respect to others who were too elevated to notice them, which they would not venture to use to the members of that House. He did not wish to curtail the liberty of speech, but it was difficult for any friend of that noble person to listen to such language, without retorting his own words upon the member who ventured to use it. He denied on the part of Mr. Arbuthnot, that there ever was a design of appointing his son, who was a minor, in his place. The statement was false and calumnious. Mr. Arbuthnot's youngest son was 25 years of age. He had taken the opinion of the law-officers upon the right of appointing his son an agent, and he was informed that there would be nothing illegal in it. Such a system of clamour and calumny excited against men engaged in a business so arduous was highly to be deprecated. The soldiers had been taught to expect most unaccountable heaps of wealth. They actually looked to be paid, as it appeared by the abominable pamphlet, for the public buildings and palaces of Deccan. As well might the Waterloo army expect to be paid for the Tuilleries.

Mr. *Hume* said, that the conduct of the duke and his colleague had been most extraordinary; for they had expressed to the solicitor of the claimants their determination to receive all the information which he might think proper to give, but to afford him no information whatever upon any point. He denied that the petitioners had advanced claim to the amount of 2,000,000*l.* The petitioners stated the sum at only 700,000*l.* Great and very culpable delay had existed somewhere, and if that delay were not attributable to the trustees, let them clear themselves, and fix the blame where it ought to lie, by affording the information required at their hands.

Sir *H. Hardinge* said, that the duke of Wellington never had refused information. On the contrary, he had informed sir T. Hislop that the papers were at his service to inspect them at the office; but he would not let them be shown to attorneys and solicitors.

Mr. *Spring Rice* said, that the words attributed to the learned member, had never been used by him. It was, therefore, to be regretted that his gallant friend had not ascertained this fact, before he had entered upon the subject.

Sir *H. Hardinge* said, that the words had been printed in the newspapers, and as the learned member had not denied them, and had not found fault with the reporter, he was responsible for them.

The *Speaker* said, it was most disorderly for any member to refer to what had been uttered in a previous debate; but it was still more out of order to derive that information from a source, the existence of which was itself a breach of the privileges of the House.

Mr. *Brougham* said, he could not but condemn the conduct of any member who, from what he had seen in a newspaper, came down to that House and gave vent to his feelings, before he had asked his opponent whether he had really made use of the words attributed to him. He must tell the gallant gentleman, that neither the high station of the duke of Wellington, nor the interest the country held in him, could ever deter either himself or his friends from expressing their opinions frankly upon his public conduct. The duke of Wellington and Mr. Arbuthnot were public men, clothed with a public trust, and there was public money concerned in that trust; and as honest stewards to the public, he and every one in that House was bound to scrutinize the duke's conduct. He had been consulted professionally by the attorneys appointed by those who were interested in the booty. Mr. Arbuthnot's son might be of age now; but was he not a minor at the time of the appointment before alluded to? ["No, no."] Be that fact as it might, he had given his opinion to the claimants that the appointment of young Arbuthnot to be the agent would have been illegal, and that by the provisions of the Prize Act, a penalty of 500*l.* would have been incurred by every single transaction of his in that appointment. And then, what followed? The gentlemen opposite talked of attack. There was an attack, indeed, made upon the legal advisers of sir T. Hislop—an attack which was so utterly gross that it could only be extenuated by the profound ignorance of the law evinced by the trustees. They offered to show sir T. Hislop, and colonel Wood, the documents, on condition that they did not show them to any lawyer. And the ground of this prohibition was still more offensive—"because there was too great a disposition in certain quarters to entertain law proceedings." Now, the love of lawyers for litigation was a vulgar, gross, and every-day charge. It was as old as the hills. It was, however, utterly groundless. Four out of every five opinions given by lawyers were against the case submitted to them. He himself frequently told clients that though in principle they might have a very good case, they had not one which would repay the expense and trouble of a suit. But, now who were these lawyers did the House suppose? He admitted, that for himself and his learned friend near him (Dr. Lushington), nothing could be said: they were lawyers without redemption. But Dr. Jenner was joined with them in their opinion—a man as little of a whig as any gentleman opposite—a very worthy lawyer, with an excellent tory spirit. Next was Mr. W. Adams, a king's counsel—a man of no violent politics, scarcely of any politics at all, and a friend to the duke of Wellington. Then who else was there? Oh! what if a judge was among them? What if lord Wellington, as a cabinet minister, had since joined in recommending this person to the Crown as a fit associate among the twelve judges of the land. Mr. Gaselee had joined them in their opinion. Then there was Mr. William Harrison, the known familiar of the Treasury—who, "most unkindest act of all" turned upon them. Really people who talked of unjustifiable attacks and so forth, ought to remember the old adage of the danger of persons who live in certain houses, throwing stones. For this very nobleman, who seemed to be so very touchy by representation, and who had been so touchily defended by the gallant officer, did not scruple to make this unjustifiable attack upon the respectable lawyers whom he had named. He would only add, that he had heard this pamphlet called a libel. If it was a libel, the courts of law were open to the parties; and this course of proceeding, he begged to say, would be much better and more decent than talking in big words there.

Mr. Secretary *Peel* could not help expressing his surprise at the course which this conversation had taken. For himself, he had heard no offensive expression made use of by his gallant friend. That gallant officer had certainly, with great warmth, repelled a charge which he conceived to have been made against a noble friend of his who was absent; but he would ask, whether such warmth was not frequently manifested in the course of discussions in that House. His gallant friend had no previous intimation that such a petition was to be presented, and therefore he was free from the suspicion of having premeditated any improper language. With respect to the noble duke, and the right hon. gentleman, whose conduct was found fault with, so far from being blamed, their exertions were entitled to the highest praise. If there were any two individuals upon whose integrity and straitforwardness he was most peculiarly inclined to rely, the duke of Wellington and Mr. Arbuthnot were the men. They had gratuitously undertaken a most complicated and laborious task, and it was but a poor return for their services, thus to turn round and accuse them of delay.

Mr. Secretary *Canning* said, he had been endeavouring to recollect the precise words used by the learned member. He thought the epithet "insolent," or the substantive "insolence," had been made use of by him, not, however, as applied to individual character, or meant privately, but directed against a letter in which the words "the said W. Harrison," instead of "the said Mr. W. Harrison," had been used. In explanation of which mistake it was enough to say, that the word "Mr." was inserted in the original manuscript, but by accident omitted in the copy. And while he agreed that it was no part of the duty of a member to stand up and deny a charge made upon such loose authority, he hoped the learned gentleman would not feel the same objection to stating whether he (Mr. C.) was right in his impression of what had been said on the occasion alluded to.

Dr. *Lushington* said, that after the appeal which had been made to him by the right hon. Secretary, he felt justified in stating, that which he would have never uttered,—which he would sooner have parted with life than have spoken a word upon, in answer to what he conceived a most wanton and unfounded attack upon him. The hon. member for Durham had commented on his conduct, being at the time cognizant of the error into which he had been led, as he held in his hand the letter which would have explained that error, and yet had he come down to the House to reprobate that conduct, though in possession of the document which would have explained the greater part of it. Had he not risen to utter one syllable in answer to the charge so made against him, he would have shown that he wanted the feelings of a man; and would have, in that House, become unworthy of a seat. He conceived he had done no more than his duty in the course he had taken on the occasion alluded to, and should a similar occasion present itself, no human power should prevent him from acting in a similar manner, even though the person to be spoken of were the highest subject in the country. He now came to answer the right hon. gentleman, and he assured him that, to the best of his knowledge, he (Mr. C.) had stated with great accuracy the words which he (Dr. L.) had used, and also the meaning with which he had used them. He was quite sure the word impudent or insolent could not, with a shadow of propriety, be applied to Mr. Harrison, who was the law adviser of the Treasury, and whose brother was a secretary to the same department. He had designated the letter as being insolent, or insulting, and he was perfectly correct so far as it appeared in print. He hoped the House would not call upon him to say more than that he had been misled, and had used strong expressions under a mistake.

Sir *H. Hardinge* said, that if any expression used by him was offensive or unparliamentary, he was ready to explain in the fullest manner. He admitted that his manner was vehement; but he declared that he was not conscious of having used, or intended, any expression offensive to the learned gentleman.

The *Speaker* said, he was anxious to bear testimony to the fact, that no offensive language had been used. Had any thing been said which called for his interference, it would have been unpardonable in him to have remained silent. A mistake had certainly taken place, and the learned member had done honour to himself, and justice to him (the Speaker), in giving the explanation which the House had just heard.

Dr. *Lushington* said, he certainly had been pained at having insolence imputed to him; but as the gallant officer had declared that he was unconscious of having used or intended any thing offensive, he was satisfied.

The petition was ordered to be printed.

MILITARY OCCUPATION OF SPAIN.] Mr. *Brougham* said, he rose for the purpose of proposing a question to the right hon. Secretary upon a subject of the most serious nature—he meant the military occupation of Spain, by France. He had hitherto abstained from asking a single question, fearful that discussion would be productive of mischief, and of making worse the situations of those gallant characters who were now imprisoned martyrs in the cause of liberty, and who had lost in that glorious cause all but their honour. But now, at the close of the session, he thought he might venture to propose one question. It had been long since stated, that when Ferdinand was fully restored to power, the French troops were to be withdrawn from Spain. That time had arrived, and still the French troops remained; nay more, they had fortified Cadiz; in addition to which, they held St. Sebastian and several other places. He understood that thirty or forty thousand French troops still remained in Spain. Were they to remain in Spain as long as the king of France, or as Ferdinand himself wished for their presence? If such was the case, then it became the duty of England to interfere. In a short time Ferdinand might say that the French troops should remain in his territories, so long as Spain was at war with her South American colonies. The policy at present pursued by France had a tendency to destroy the balance of power in Europe. He would ask, what would be our situation, in the event of another war with Ireland, exposed to the iron coast of Spain, guarded, not by Spaniards, but by Frenchmen, continued in that country under various pretexts? He would, therefore, ask the right hon. Secretary, whether there was any reason to hope that the French troops would shortly evacuate the Spanish territory?

Mr. Secretary *Canning* said, that the point to which the learned member had alluded, had long occupied the attention of the government, and was still pressing upon that attention. He was prepared to say, that ministers had received from the French government, from time to time, such assurances as satisfied his mind that there did not exist the slightest shadow of an intention to occupy the fortresses of Spain, after the French army should have been withdrawn. He was able to assert most distinctly that not one sous of French money had been expended upon those fortifications. It might be satisfactory to state further, that, in December, a distinct application had been made to the French government for a disclosure of its views with regard to Spain. The answer was, that it was intended to reduce the army of occupation to 22,000 men, continuing an extra corps on foot in the country until the month of April. He had every reason to believe that an extra corps had either been actually withdrawn, or was in a course of being withdrawn. With regard to the period when it might be expected that the remaining 22,000 men would be removed from the Spanish territory, he doubted if even the French government could yet give a satisfactory answer to the question. He firmly believed, that the learned gentleman could not be more anxious for the evacuation of Spain by the French army than the French government were for that event. Individually, he could honestly and conscientiously declare, that he was under no degree of doubt or apprehension on the subject.

South America—Foreign Enlistment Bill.] Mr. *Baring* said, he rose for the purpose of asking a question relating to a matter of considerable importance. A treaty between this country and one of the newly recognized states of South America had been laid on the table. But, it was a remarkable fact, that a most honourable person, an individual of the most deserving description, who had been regularly accredited from one of these states, had not been presented to his majesty. It was rumoured, that this circumstance arose from the interference of certain foreign powers, who were anxious that the recognition of the South American states should be of a mitigated description. Now, he wished to know from the right hon. gentleman whether this omission was merely accidental, or whether it was, as rumour had stated, intentional. A treaty had been laid on the table; but, the minister of the country to which it related had not been received at court. He made this application without the slightest interference of the person to whom it related. While he was on his legs, he wished to ask another question, which was of considerable interest as it affected the feelings of a most gallant and meritorious class of people—he meant those English officers who had entered into the military service of foreign states. The House must be aware, that a regulation, founded on an act of parliament which passed a few years ago, still existed, which placed those individuals in a most extraordinary situation. Many of those officers, at the termination of the war, finding their "occupation gone," and being actuated by a strong love for a military life, as well as by a powerful feeling in favour of those sentiments of liberty which they had imbibed in their native country, had embraced an honourable service amongst the troops of those countries that were struggling for freedom, and were, in consequence, by the provisions of the bill to which he had alluded, subject to very considerable injury and inconvenience. In making this observation, he did not mean to call in question the policy of the bill to which he had referred, because, at the time when it passed, great jealousy existed with respect to the conduct of this country as to the establishment of those new states. Reproaches were cast upon this country, by Spain and France, in consequence of the part which a liberal policy induced it to pursue. It had been strongly urged that the battle of independence, which was at that period fighting, and which had ultimately proved successful, had, in a great measure been carried on by this country. This, certainly, was made a matter of complaint; and though, abstractedly, he did not think that the law then enacted was strictly justifiable, still, looking to all the circumstances, and considering the time, he would not quarrel with the policy in which it originated. The bill, it should be observed, was not to enable the Crown to recal officers from foreign service, but it gave to every paltry informer the right to call before a justice of the peace, any officer who had taken a commission under a foreign state. If the power existed, as he believed it did, in the Crown, to use its discretion in the recal or disqualification of officers, why should this additional power be suffered to exist? The law to which he referred imposed a degradation—imposed a very severe punishment—on persons who might contravene its provisions; and yet, there was not a gentleman who heard him, who must not view with the highest respect the conduct of those individuals, and who must not esteem them, on account of the noble motives by which they were actuated

[hear]. It was quite clear, that the bill had been introduced, not from any personal motives, but on principles of public policy. The state of things which had given rise to it having, however, passed away—England having recognized the independence of several of those states—it was, he conceived, proper, that the law should be altered [hear]. Subjects of this country had, in periods of peace, held high commands in the French service. We had supplied admirals to Russia, and officers of various descriptions to Austria, Spain, and Portugal. In his opinion, it was of great importance to the military power of this country, that English officers should, in times of peace, be enabled to keep up their military knowledge, by entering into the service of foreign states. He knew that, at the present moment, France was pursuing this system. That country was pushing her military officers into every possible kind of service. They were employed in Greece, in Turkey, in every situation where their abilities were likely to be matured. The French pursued this course, on, as he conceived, the wisest and best of all policy. He had submitted these few observations, merely for the consideration of his majesty's government, and he trusted they would remedy the evil to which he had called their attention. If they did not, he would in the next session (and he did not mention the matter in the way of threat) make a motion on the subject.

Mr. Secretary *Peel* said, he was extremely sorry that the hon. gentleman had put his questions during the absence of his right hon. friend (Mr. Canning). He could not state the circumstances which had prevented Mr. Lempriere from being presented to his majesty, but he could assure the hon. gentleman that the course hitherto pursued by his majesty's government was not, and would not be, in the slightest respect, altered by the interference of other powers. With respect to the other point, he thought it was perfectly fair that his majesty should have the power of preventing the enlistment of British officers in the service of foreign states, and he did not think that the right to punish them which was given by the act referred to, was at all improper. It was quite clear, that they had not suffered much under the law; for, he believed, not a single instance had occurred in which the power of laying an information had been acted on.

PRESIDENT OF THE BOARD OF TRADE.] Mr. *Baring* wished to put another question to the right hon. gentleman, touching a subject which he had mentioned in the earlier part of the session. A suggestion had been made by him, and in that he was glad to find a concurrence in the feelings of gentlemen on every side of the House, that the services of a right hon. gentleman at the head of a certain department, to whose labours the country had been so much indebted; he meant the president of the Board of Trade (Mr. Huskisson), had not been sufficiently rewarded by the public [hear, hear]. The accidental absence of that right hon. gentleman afforded him an opportunity of recurring to the subject, which delicacy to him would have forbidden in his presence; but now that he had the opportunity, he would take upon himself to say, that there was a general feeling of regret, that that individual should be slaving as he was, in the service of the public, without any adequate reward. This he stated sincerely as his opinion, and without any concert or communication with the right hon. gentleman in question. What he wished to know of the right hon. Secretary was, whether government had turned its attention to the subject?

Mr. Secretary *Peel* replied, that he had not heard the subject formally mentioned, but the justness of the hon. member's observations was so apparent, and the hardship of expecting a man to discharge the arduous duties of a laborious office, without adequate and direct compensation, was so manifest, that he had no hesitation in saying it was a subject worthy of consideration. The remuneration of the president of the Board of Trade, whose duties were many and arduous, ought not to be given indirectly. He thought there could be no objection in placing that office, in performing the duties of which the individual sacrificed almost the whole of his time, on a different footing. Instead of that, however, his right hon. friend was placed in another office (treasurer of the navy) to which a salary was attached. His right hon. friend stood in this situation: he filled two offices, in one of which he had little to do, but was paid for it; while in the other he was entirely occupied, but without any remuneration at all. There was no doubt but that the mode of requiting such services, should be amended.

HOUSE OF LORDS.

Monday, July 4.

State of Ireland — Catholic Question.] The Earl of Harrowby laid on the table a copy of the Report of the Committee on the State of Ireland.

The Earl of *Darnley* said, he could not suffer the report to be laid on the table, or the session to close, without some observations. As a member of the committee he had concurred in the Report; for it certainly contained many useful suggestions, on several of the minor points of the inquiry. On the great and important subject, however, which he must always consider paramount to every other, and without a settlement of which all other attempts to ameliorate the condition of Ireland would be ineffectual, the committee had abstained from offering any opinion. In that also he had acquiesced, from a conviction that the members of the committee could never come to any agreement on the subject. He must, however, take that opportunity to repeat the opinion which every day's experience more and more confirmed, that, sooner or later, the claims of the Roman Catholics must be conceded, and that without a settlement of that question, Ireland never could be permanently tranquil, prosperous, or happy. He deeply lamented the rejection of the bill lately sent up by the Commons, and could not help expressing his surprise and regret, to see the noble earl at the head of the government assume, on that occasion, a more decided tone of opposition to the measure than he had ever before manifested; and he was the more astonished by the noble earl's speech, from his knowledge of the attention which had been paid by that noble lord to the evidence given before the committee. Let not the noble earl suppose, however, that his opinion, or the decision of the House itself, had put the question at rest. A popular cry had been raised in England; and, as far as England only was concerned, the question might be supposed set at rest: but, far different was the case in Ireland, the part of the empire most interested in the decision. In that country, so far from the question having been set at rest, it was becoming, not so much a Catholic, as a national question. The Protestants of Ireland were impressed with a daily increasing conviction, that they were, if possible, more interested in the settlement of it, than the Catholics themselves.

The Earl of *Liverpool* said, that though it was irregular to refer to the sources in which his opinion was to be found, if the noble earl did refer to them he would find that he had not expressed a stronger opinion this session on the Catholic question than on former occasions. With respect to any recommendation on the subject to which the noble lord had alluded from the committee, it would have been contrary to all practice. The business of the committee was to report information.

Combination of Workmen Bill.] On the order of the day for going into a committee on this bill,

The Marquis of *Lansdown* said, he had several petitions to present against the bill. He expressed his regret, that the House should be called upon, within two days of the prorogation, to pass a bill which was of so important a nature. In addition to this precipitation into which they were driven, their lordships were not sure that the information necessary to enable them to come to a proper decision was on the table of the House. Under these circumstances, it was with great reluctance that he gave his assent to the measure. The petitions he had to present prayed that counsel might be heard against the bill; and, if there were time, it would be their lordships' duty to accede to this prayer.

The Earl of *Liverpool* thought there was sufficient time for any discussion which could be necessary. The measure arose almost entirely out of the bill of last session, which had been hastily passed. He had not been aware of its extent, and did not, until it came into operation, know its provisions. There were, as their lordships knew, many old statutes for the regulation of labour, which had an injurious influence on trade. Had the bill been confined to the repeal of those statutes, it would have been a very proper measure. But what did it do? It, at one sweep, repealed the whole of the common law respecting the relations of master and servant. Soon after it passed, disturbances and acts of violence took place in different parts of the country; and it became absolutely necessary to pass some act on the subject before the session closed. Though brought in at a very late period of the session, he had no difficulty in saying, that he considered it indispensably necessary. Even if there were defects in the measure, the allowing them to pass could not be compared with the mischief which would follow if the law were left in its present state. This bill not only prevented the combination of workmen against masters, and of masters against workmen, but prevented the combination of workmen against workmen. This was a protection which the honest and good workman had a right to expect. The bill repealed the act of last session; but, in doing so, it also repealed the old restrictive statutes which were repealed by that act, while it restored the common law to its former state. Objection had been made to the clause for protecting workmen which contained the word "molestation," but that was a word well known to the law, and would have a fair interpretation. The present bill allowed an appeal from the decisions of magistrates to the quarter sessions.

The Marquis of *Lansdown* agreed, that some measure of this kind was necessary, and more particularly that it was necessary to protect the workmen against themselves. He wished every facility to be given both to masters and workmen to consult about the rise or fall of wages; but it was obvious, that no manufacture could be carried on, if workmen could dictate to the masters who should be employed, and prevent men from exercising their right of labouring on whatever terms they might please. This was what never could be tolerated in a free country. Such a practice never could be sanctioned by law; and what the legislature would not be authorized to do, surely ought not to be allowed to be done by individuals. If the interference of workmen with each other were permitted to go on, trade would be forced from one place to another, until it would at last be driven out of the country. However, if any body of persons should, after the bill had passed, continue to think themselves aggrieved by it, he should next session vote for their being heard by counsel against the act.

The Earl of *Rosslyn* concurred in the necessity of protecting workmen from the effect of combinations among themselves.

The bill passed the committee without amendment, and was reported. The standing order being dispensed with, it was read a third time and passed.

COUNTRY BANKS.] Earl *Grosvenor* said, he could not allow the session to close without calling the attention of their lordships to a subject of great importance. He alluded to the liability of country banks to pay their notes in gold. As the law was at present, the summary process which formerly might issue against bankers was abolished: and, as the subject was one which would create great anxiety, he thought it would be advisable to pass a short act, even during the present session, restoring the summary process.

The Earl of *Liverpool* said, that the holders of notes had a better remedy than could be given by any new act, in the law and the practice of banking credit as it now stood. There could be no doubt that country bankers were bound to pay in the current coin of the realm; and the responsibility of not doing so threatened consequences to a banking establishment of good credit, much more weighty than a new act of parliament could enforce.

Lord *Clifden* complained of the conduct of the Bank of Ireland, which paid its notes in guineas, instead of sovereigns, in order to discourage the demand for gold. The guineas were not current at present; and those who received them were at a loss how to dispose of them.

HOUSE OF LORDS.

Tuesday, July 5.

UNITARIANS.] The Marquis of *Lansdown* rose to present a petition most respectably signed, praying, that their lordships would institute an inquiry into the state of the law relating to Unitarians. He expressed his astonishment, that it should still be wished to exclude the petitioners from the benefits of the constitution, without there being on record any case in which their competence to discharge the duties of good subjects could be questioned; and the more so, as the objection to them was founded on inferences drawn from scattered judgments and the words of old acts of parliament, without any proof that the opinions of those persons were of a nature to sanction such exclusion—without its being even pretended that they did not believe in a future state and the doctrine of rewards and punishments. It was scarcely credible that, while it was not pretended that the petitioners held any opinion inconsistent with the safety of the state, they should, now, several years after an act had been passed for their protection, be told that they were still liable to the penalties which it was the object of that statute to repeal. Yet the lord chancellor had expressed a doubt whether those persons, for the relief of whom the statute was passed, were now protected by it. Doubts such as he had described having been entertained, the Unitarians now approached their lordships with a petition, to which their lordships were bound to give their most serious attention. They prayed, that they might be informed what their situation really was; that they might know on what conditions they owed allegiance as subjects of the realm. They requested to know whether their interests were not to be protected, and their safety ensured, in the same manner as if they were members of any other religion. If he were asked, whether he would, in another session, originate any bill to remove the doubts to which he had alluded, he should say, that, looking to the necessity of relieving those persons from the practical grievances of which they had to complain, and more particularly from those they experienced under the marriage act, and to the necessity also of relieving the Church of England from a disagreeable duty—looking, likewise, to the disposition of parliament, if not to pass a law in the same form as the bill of the present session, yet one which might accomplish the same object, he should be disposed, on the part of the petitioners, to accept the passing of such an act as an assurance of the removal of those doubts.

The *Lord Chancellor* said, that if the law turned out to be as it was supposed to be, he would rather pass a law for the benefit of those persons than otherwise. When the question of what the law was, came to be regularly discussed, he would state the grounds of his opinion respecting it.

Lord *Holland* observed, that the learned lord seemed to have forgotten that he had already twice spoken upon this subject in the course of the present session. He would not venture to say, that the learned lord had stated what the law was; but he had stated, that it was such as ought to induce the House to pause before they passed an act for the relief of the Unitarians on the subject of marriage. The petitioners had taken the only manly course which they could adopt; and if the learned lord had followed the same example, he would have stated what really was the law, and not left it to be understood that he still believed them liable to be punished under the common law. This was a subject which called for inquiry, as it involved the interests of that great portion of the community which consisted of Dissenters; for the doubts thrown out did not affect the Unitarians alone, but every description of persons who did not belong to the established church. It appeared, from the opinion of chief justice Foster and lord Mansfield—an opinion to which Blackstone seemed to assent—that the whole dissenting body in this country existed by sufferance—that they were all liable to be indicted—that their institutions, for the purposes of charity or education, all stood on a sandy foundation, and might be swept away by a process at law. However, on the late discussion of the Catholic question, those who approved most of this interpretation of the law, were in the habit of using many kind expressions towards the Dissenters. These persons were then called "our Protestant brethren," in the same way as Hotspur had been called "Gentle Harry Percy," and "kind cousin." He durst not follow up the quotation and say "the devil take such cozeners." But, the spirit of kindness with which the Dissenters were to be treated, was plainly shown a few days after, when a part of that body came forward to ask of parliament a small boon, which many of the dignitaries of the church, to their honour, declared was not merely a boon to the petitioners, but to the clergy of the establishment also. As soon as the bill came to be discussed, up jumped a person and said, "Who are you? I have found out an act of parliament which proclaims you to be guilty of a detestable crime." This supposed application of the law to Unitarians was founded on the maxim; 1st, that Christianity is part and parcel of the law of England; and next, that to deny the Trinity is to deny Christianity. As to the first of these points, he could not help being surprised to find upon what slender grounds it was founded. What was the meaning of this maxim? If lord Raymond and justice Holt said, that Christianity was part and parcel of the law of the land, and if lord Mansfield said, in language more precise, that revealed religion was not to be reviled, and that to revile it was punishable, it followed that if these phrases were legal terms, they must have a legal meaning attached to them. Was it the holy scriptures which constituted the Christianity which was said to be part and parcel of the law? If so, then no persons who built their faith on those scriptures could be said to deny Christianity. But, perhaps the Christianity meant was that which existed at the time to which the origin of this law maxim referred. If so, their lordships were placed in a curious dilemma; for they ought now to believe in that transubstantiation, which every person was called upon to abjure before he could sit in that House. He wished the House to see the consequences of extending the application of this maxim. He reminded their lordships of the important decision in the remarkable case of Mr. Evans, who, being fined for not accepting an office, refused to pay the fine, on the ground that he, in taking office, would be required to conform to the church of England, which as a Dissenter, he would not do. He was answered, that his very non-conformity was itself a crime, and therefore could afford no ground for his not paying the fine. After the cause had gone through the courts below, it came, by appeal before their lordships, and the House decided, that Mr. Evans was not obliged to pay the fine. The ground of this decision was, that the Toleration act gave a right of protection to all Dissenters. Since the passing of the late act relative to Unitarians, those persons stood in the same situation as all other Protestant Dissenters; and if the Toleration act did not protect them, it afforded no security to any members of any sect whatever.

The *Lord Chancellor* said, he had given no opinion of his own on the subject of the law as it applied to the Unitarians. He had merely stated what had actually passed in the courts of law in Westminster-hall.

Ordered to lie on the table.

HOUSE OF COMMONS.

Tuesday, July 5.

Conduct of Lord Charles Somerset at the Cape of Good Hope—Petition of Mr. Bishop Burnett.] Mr. Brougham presented the following petition from Mr. Bishop Burnett, of the Cape of Good Hope. The contents of the petition were as follows:—

"That your petitioner having presented sundry grievances to your honourable House, inculpating the conduct of his excellency the governor of the Cape of Good Hope, and that his excellency's return to this country to repel your petitioner's charges at the next session of parliament appearing to be the probable consequences of the discussion thereon, your petitioner humbly submits to your honourable House, that he should, in justice, be permitted to avail himself of the interval in collecting his evidence at the Cape for substantiating the accusations he has advanced.

"Your petitioner, well aware that in promoting this inquiry, he is opposing himself to the concentrated force of a gigantic power, has no security but in the justice and sympathy of your honourable House; and as he has no hesitation in declaring, that with the collection of his evidence, thus facilitated, he cannot only prove the charges already adduced, but others also of equal magnitude, he trusts that your honourable House, in its paramount disposition to further the first end of its high calling, will perceive the necessity of allowing your petitioner, the accuser, to approach the bar of your honourable House upon equal terms with lord Charles Somerset, the accused.

"Your petitioner begs further to present, that as the unwarrantable violence of his deportation from the Cape was a virtual inhibition to the security of evidence of any kind, even to the proof of his banishment, your honourable House will not permit your petitioner to appear before it disqualified by injustice to bring home charges of oppression and persecution.

"Your petitioner's private affairs—if he may presume to offer so inconsequential a motive for consideration to your honourable House—imperatively demand his presence at the Cape, appellant, as he is, in nine causes before the full Court of Justice, each involving very important issues to himself and his brother colonists, and the fiat of his competence or beggary hanging upon their decision.

"Your petitioner respectfully adds, that he should have manifested less zeal in vindication of his violated rights as a British subject, as a man, and as a gentleman, but for an impeachment of his veracity, and a direct charge of conspiracy brought against him by the under secretary of state for the Colonial department. Your petitioner is from hence solemnly determined to prove his charges to the world, even should his excellency lord Charles Somerset not avail himself of the permission to return, granted by his majesty's government, contrary to a most affronting implication of earl Bathurst, that your petitioner's importunity to the colonial department resulted from his apprehension of strict investigation into his complaints.

"Your petitioner therefore prays, that your honourable House will, with reference to the premises, adopt such measures for his immediate return to the Cape of Good Hope as the magnitude of the occasion implies, and the wisdom of your honourable House may deem proper; and your petitioner will ever pray. (Signed) B. BURNETT."

Mr. *Hume* observed, that this petition contained grave charges, and he wished to know whether there would be any facilities afforded by government to the petitioner to return to the Cape, for the purpose of collecting evidence to substantiate them?

Mr. *Canning* was at a loss to conceive upon what ground government could be called upon to assist with money every person who chose to prefer complaints against public functionaries in that House.

Mr. *Hume* said, that the right hon. gentleman misunderstood his object. Mr. Burnett had been banished from the Cape by lord C. Somerset; and it was necessary that he should return to obtain evidence in support of his petition. Would he be permitted to do so?

Mr. *Wilmot Horton* said, it was not at all essential to the case of this petitioner that he should go to the Cape for evidence. At least, hitherto it had not been shown that such evidence was necessary. When it had, then would be the time for entertaining the question of permitting him to return. Every statement which he had hitherto made, had turned out to be unfounded.

Ordered to lie on the table.

SOUTH AMERICA.] Mr. Secretary *Canning* said, he had come down to the House, in order to answer certain questions which had been put, on a preceding evening, by the hon. member for Taunton (Mr. Baring), whom he did not now see in his place. The hon. member had remarked, that an individual of great respectability, accredited to this country by the state of Buenos Ayres, had not been presented at the last levee; and, from that fact, the hon. member had inferred, that some interference had been used by foreign powers to prevent that gentleman's being so received. This suggestion he desired to say was wholly void of foundation. No attempt had been made on the part of any foreign state to regulate, in the slightest degree, the conduct of this country towards any of the states of South America; nor, if such an attempt had been made, could there have been the least chance of its being successful. The reason why the individual in question had not been presented, was, that although he appeared in the character of envoy extraordinary and minister plenipotentiary, he had no regular credentials. The state of Buenos Ayres had sent this gentleman a paper appointing him minister plenipotentiary to this country, but making him minister plenipotentiary also to France; and he did think that England was not stickling too much upon ceremony in saying that she must have an entire minister to herself. It had benn suggested, in some quarters, that these states, which were as new powers in the division of the world, might well be placed, in some points, upon a more free footing than the older ones. In this view, he by no means agreed. He thought it was sufficient that they were fully and regularly brought into the community of nations; and, as far as his advice went, the same full observance of all forms and arrangements should be required from them, as from the oldest, best secured, or most despotic governments existing. The paper which this gentleman produced might be sufficient between his government and himself; but it was not sufficient between his government and this country; nor could he be properly admited into the condition of a minister without producing the formal and usual credentials. There was another point, upon which he desired to say a few words. It so happened, that at an early period of the present year, the state of Buenos Ayres had appointed a British subject, a gentleman who was a partner in a considerable mercantile house in this country, its consul-general for England. In that capacity the individual alluded to had called upon him, and, tendering his commission, had proposed to enter with him into the discussion of highly material political transactions. Now, under such circumstances, he had no hesitation in decidedly refusing to listen to that gentleman; and he had, moreover, refused even to see him a second time. He had taken that course, in the first place, because the appointment in question had not been regular; but he had felt another objection, of still greater importance. In all the relations of England with these new states—

there had been a great deal more of commercial and of speculative, than of political actual transaction. And whoever considered what had been the fluctuation of various projects within the last year in this country, would see, that it was only taking a proper precaution, when he had expressed a desire that the states of America, generally, would not appoint British merchants in this country to be their consuls. Upon the same principle, he had written to his Majesty's Chargé d'Affaires at Buenos Ayres, and to the resident ministers at other places, requesting that such nominations might not take place in future. He had, moreover, written to the officers of this country appointed in America, generally, desiring that they would not engage in commercial transactions; and he had removed any whom he thought to have done so in despite of that prohibition.

HOUSE OF LORDS.

Wednesday, July 6.

The King's Speech at the Close of the Session.] After the royal assent had been given to sundry bills, the Session was put an end to, by Commission. Upon which occasion, the Lord Chancellor delivered the following speech:

"My Lords and Gentlemen,

"The business of the Session being now brought to a conclusion, we are commanded by his Majesty to express the great satisfaction which he feels in releasing you from your laborious attendance in Parliament.

"His Majesty returns you his warmest acknowledgements for the zeal and assiduity with which you have prosecuted the inquiries into the state of Ireland, which he recommended to you at the opening of the Session.

"It is a particular gratification to his Majesty, that the tranquillity and improved condition of that part of the United Kingdom have rendered the extraordinary powers with which you had invested his Majesty no longer necessary for the public safety.

"His Majesty is happy to be able to announce to you, that he receives from all Foreign Powers the strongest assurances of their friendly disposition towards this country, and of their desire to maintain the general peace.

"While his Majesty regrets the continuance of the war in the East Indies with the Burmese government, he trusts that the gallant exertions of the British and native forces employed in operations in the enemy's territory may lead to a speedy and satisfactory termination of the contest.

"Gentlemen of the House of Commons,

"We have it in command from his Majesty to thank you for the Supplies which you have granted to him for the service of the present year, and at the same time to express the satisfaction which he derives from the reduction you have found it practicable to make in the burthens of his people.

"My Lords and Gentlemen,

"His Majesty has commanded us to assure you, that he is highly sensible of the advantages which must result from the measures you have adopted in the course of this session, for extending the commerce of his subjects by the removal of unnecessary and inconvenient restrictions, and from the beneficial relaxations which you have deemed it expedient to introduce into the colonial system of this country.

"These measures, his Majesty is persuaded, will evince to his subjects in those distant possessions, the solicitude with which Parliament watches over their welfare: they tend to cement and consolidate the interests of the colonies with those of the mother country, and his Majesty confidently trusts that they will contribute to promote that general and increasing prosperity, on which his Majesty had the happiness of congratulating you on the opening of the present Session, and which, by the blessing of Providence, continues to pervade every part of his kingdom."

After which, the Lord Chancellor prorogued the Parliament to the 25th of August.

APPENDIX.

FINANCE ACCOUNTS,

FOR THE YEAR ENDED 5TH JANUARY, 1825.

CLASS.
I. - - - Public Income.
II. - - - Public Expenditure.
III. - - - Consolidated Fund.
IV. - - - Public Funded Debt.
V. - - - Unfunded Debt.
VI. - - - Disposition of Grants.
VII. - - - Arrears and Balances.
VIII. - - - Trade and Navigation.

No. I.—An Account of the ORDINARY REVENUES and EXTRAORDINARY RESOURCES, IRELAND, for the Year

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties of the nature of Drawbacks, &c.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	15,491,158	10	7¼	1,937,125	8	6¾	13,554,033	2	0½
Excise	30,779,302	13	8¼	2,338,385	8	2½	28,440,917	5	5¾
Stamps	7,672,411	0	9½	246,005	4	11¾	7,426,405	15	9¾
Taxes, under the Management of the Commissioners of Taxes	5,228,197	8	0¼	6,857	0	8½	5,221,340	7	3¾
Post Office	2,255,239	15	7½	86,388	6	8½	2,168,851	8	11
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	62,534	5	11	-	-	-	62,534	5	11
Hackney Coaches, and Hawkers and Pedlars	67,837	14	8	-	-	-	67,837	14	8
Crown Lands	282,126	0	8	-	-	-	282,126	0	8
Small Branches of the King's Hereditary Revenue	9,869	2	1	-	-	-	9,869	2	1
Lottery; Surplus Produce after Payment of Prizes	252,213	2	6	-	-	-	252,213	2	6
Surplus Fees of Regulated Public Offices	39,888	8	4	-	-	-	39,888	8	4
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	9,748	11	0¼	-	-	-	9,748	11	0¼
TOTALS of Ordinary Revenues	62,150,526	13	10¾	4,614,761	9	1¾	57,535,765	4	9
Other Resources.									
Amount of Savings on the Third Class of the Civil List	7,827	5	2	-	-	-	7,827	5	2
Money brought from the Civil List on account of the Clerk of the Hanaper	1,100	0	0	-	-	-	1,100	0	0
Money received in repayment of the Loan raised for the service of the Emperor of Germany, per Acts 35 and 37 Geo. 3	1,733,333	6	8	-	-	-	1,733,333	6	8
Money received from the East India Company, on account of Retired Pay, Pensions &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	60,000	0	0	-	-	-	60,000	0	0
From the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. 3, c. 34, for the Employment of the Poor	125,273	9	0	-	-	-	125,273	9	0
Money received from the Trustees of Naval and Military Pensions	4,660,000	0	0	-	-	-	4,660,000	0	0
From several County Treasurers, and others in Ireland, on account of Advances made by the Treasury, for improving Post Roads, for building Gaols, for the Police, for Public Works, employment of the Poor, &c.	160,901	9	5½	-	-	-	160,901	9	5½
Imprest Monies, repaid by sundry Public Accountants, and other Monies paid to the Public	411,949	19	10¾	-	-	-	411,949	19	10¾
TOTALS of the Public Income of the United Kingdom	69,310,912	4	1	4,614,761	9	1¾	64,696,150	14	11¼

Whitehall, Treasury Chambers,
10th March 1825.

constituting the PUBLIC INCOME of the United Kingdom of GREAT BRITAIN and ended 5th January, 1825.

TOTAL INCOME, including BALANCES outstanding 5th Jan. 1824.			Charges of Collection, and other Payments out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1825.			TOTAL DISCHARGE of the INCOME.			Rate per cen for which th Gross Receip was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d
13,932,079	19	1⅛	2,234,424	0	1¼	11,327,741	6	2¾	369,914	12	9⅛	13,932,079	19	1⅛	9	8	
29,879,114	18	11⅝	1,707,764	5	10½	26,768,039	19	11½	1,403,310	13	1⅝	29,879,114	18	11⅝	4	5	
7,887,375	7	11	217,309	18	7¾	7,244,042	7	0½	426,023	2	3	7,887,375	7	11	2	16	7
5,468,218	2	2	329,704	0	5¼	4,922,070	3	10¾	216,443	17	10	5,468,218	2	2	5	15	8
2,382,536	15	1	655,914	9	4½	1,520,615	7	8¼	206,006	18	1	2,382,536	15	1	26	12	6
66,100	5	5	1,433	19	10	61,374	12	10	3,291	12	9	66,100	5	5	2	5	9
67,852	7	6	10,703	9	8	57,134	10	0	14	7	10	67,852	7	6	15	15	6
358,834	17	5½	246,008	11	9¼	966	13	4	111,859	12	4¼	358,834	17	5½	18	1	6
12,437	3	0¼	3,191	18	6	5,189	16	3	4,055	8	3¼	12,437	3	0¼	12	1	4
252,213	2	6	7,006	13	3	245,206	9	3	-	-	-	252,213	2	6	0	15	10
39,888	8	4	-	-	-	39,888	8	4	-	-	-	39,888	8	4		—	
9,748	11	0½	-	-	-	9,748	11	0¼	-	-	-	9,748	11	0¼		—	
60,356,399	18	6	5,413,461	7	5½	52,202,018	5	10	2,740,920	5	3	60,356,399	18	6	6	7	8
7,827	5	2	-	-	-	7,827	5	2	-	-	-	7,827	5	2		—	
1,100	0	0	-	-	-	1,100	0	0	-	-	-	1,100	0	0		—	
1,733,333	6	8	-	-	-	1,733,333	6	8	-	-	-	1,733,333	6	8		—	
60,000	0	0	-	-	-	60,000	0	0	-	-	-	60,000	0	0		—	
125,273	9	0	-	-	-	125,273	9	0	-	-	-	125,273	9	0		—	
4,660,000	0	0	-	-	-	4,660,000	0	0	-	-	-	4,660,000	0	0		—	
160,091	9	5½	-	-	-	160,901	9	5½	-	-	-	160,901	9	5½		—	
411,949	10	10¾	-	-	-	411,949	19	10¾	-	-	-	411,949	19	10¾		—	
67,516,785	8	8	5,413,461	7	5½	59,362,403	16	0¼	2,740,920	5	3	67,516,785	8	8¼		—	

J. C. HERRIES.

No. II.—An Account of the ORDINARY REVENUES and EXTRAORDINARY the Year ended

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties of the nature of Drawbacks.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	13,643,528	7	11½	1,703,852	6	4	11,939,676	1	7½
Excise	28,813,183	17	9¼	2,324,155	1	11	26,489,028	15	10¼
Stamps	7,155,508	0	0½	238,913	15	5¾	6,916,594	4	6¾
Taxes, under the Management of the Commissioners of Taxes	5,228,197	8	0¼	6,857	0	8½	5,221,340	7	3¾
Post Office	2,055,636	17	1½	66,717	9	0	1,988,919	8	1½
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	62,534	5	11	-	-	-	62,534	5	11
Hackney Coaches, and Hawkers and Pedlars	67,837	14	8	-	-	-	67,837	14	8
Crown Lands	283,126	0	8	-	-	-	282,126	0	8
Small Branches of the King's Hereditary Revenue	9,869	2	1	-	-	-	9,869	2	1
Lottery, Surplus Produce after Payment of Prizes	252,213	2	6	-	-	-	252,213	2	6
Surplus Fees of Regulated Public Offices	39,888	8	4	-	-	-	39,888	8	4
TOTALS of Ordinary Revenues	57,610,523	5	1	4,340,495	13	5¼	53,270,027	11	7¾
Other Resources.									
Amount of Savings on the third Class of the Civil List	7,827	5	2	-	-	-	7,827	5	2
Money brought from the Civil List, on Account of the Clerk of the Hanaper	1,100	0	0	-	-	-	1,100	0	0
Money received in repayment of the Loan raised for the Service of the Emperor of Germany, per Acts 35 and 37 Geo. 3	1,733,333	6	8	-	-	-	1,733,333	6	8
Money received from the East India Company on Account of retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	60,000	0	0	-	-	-	60,000	0	0
From the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. 3, c. 34, for the Employment of the Poor	125,273	9	0	-	-	-	125,273	9	0
Money received from the Trustees of Naval and Military Pensions	4,660,000	0	0	-	-	-	4,660,000	0	0
Imprest Monies repaid to sundry Public Accountants, and other Monies paid to the Public	202,825	18	0¼	-	-	-	202,825	18	0¼
TOTALS of the Public Income of Great Britain	64,400,883	3	11¼	4,340,495	13	5¼	60,060,387	10	6

Whitehall, Treasury Chambers,
28th February 1825.

RESOURCES, constituting the PUBLIC INCOME of GREAT BRITAIN, for 5th January, 1825.

TOTAL INCOME, including BALANCES outstanding 5th Jan. 1824.			Charges of Collection and other Payments out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1825.			TOTAL DISCHARGE of the INCOME.			Rate per cent. for which the Gross Receipt was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
12,280,252	16	2¾	1,715,058	1	7¼	10,239,741	19	1¾	325,452	15	5¾	12,280,252	16	2¾	8	0	5
27,844,088	18	10¾	1,400,928	9	7½	25,113,283	5	7	1,329,877	3	8¼	27,844,088	18	10¾	3	16	0
7,251,462	1	1	180,087	13	1¼	6,753,097	0	4	318,277	7	7¾	7,251,462	1	1	2	10	4
5,468,218	2	2	329,704	0	5¼	4,922,070	3	10¾	216,443	17	10	5,468,218	2	2	5	15	8
2,157,228	2	2	550,139	4	11	1,444,000	0	0	163,088	17	3	2,157,228	2	2	24	7	10
66,100	5	5	1,433	19	10	61,374	12	10	3,291	12	9	66,100	5	5	2	5	9
67,852	7	6	10,703	9	8	57,134	10	0	14	7	10	67,852	7	6	15	15	6
358,834	17	5½	246,008	11	9¼	966	13	4	111,859	12	4¼	358,834	17	5	18	1	7
12,437	3	0¼	3,191	18	6	5,189	16	3	4,055	8	3¼	12,437	3	0¼	12	1	4
252,213	2	6	7,006	13	3	245,206	9	3	-	-	-	252,213	2	6	0	15	10
39,888	8	4	-	-	-	39,888	8	4	-	-	-	39,888	8	4		—	
55,798,576	4	9	4,444,262	2	8½	48,881,952	18	11½	2,472,361	3	1	55,798,576	4	9	5	12	6
7,827	5	2	-	-	-	7,827	5	2	-	-	-	7,827	5	2		—	
1,100	0	0	-	-	-	1,100	0	0	-	-	-	1,100	0	0		—	
1,733,333	6	8	-	-	-	1,733,333	6	8	-	-	-	1,733,333	6	8		—	
60,000	0	0	-	-	-	60,000	0	0	-	-	-	60,000	0	0		—	
125,273	9	0	-	-	-	125,273	9	0	-	-	-	125,273	9	0		—	
4,660,000	0	0	-	-	-	4,660,000	0	0	-	-	-	4,660,000	0	0		—	
202,825	18	0¼	-	-	-	202,825	18	0¼	-	-	-	202,825	18	0¼		—	
62,588,936	3	7	4,444,262	2	8½	55,672,312	17	9¾	2,472,361	3	1	62,588,936	3	7		—	

J. C. HERRIES.

No. III.—An Account of the ORDINARY REVENUES and EXTRAORDINARY
ended 5th

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Drawbacks, Discounts, &c.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	1,847,630	2	7¾	233,273	2	2¾	1,614,357	0	5
Excise	1,966,118	15	11	14,230	6	3½	1,951,888	9	7½
Stamps	516,903	0	9	7,091	9	6	509,811	11	3
Taxes, repealed by Act 4 Geo. 4, c. 9	-	-	-	-	-	-	-	-	-
Post Office	199,602	18	5¾	19,670	17	8¼	179,932	0	9½
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	9,748	11	0¼	-	-	-	9,748	11	0¼
TOTAL of Ordinary Revenues	4,540,003	8	9¾	274,265	15	8½	4,265,737	13	1¼
Other Resources.									
From the Provost and Fellows of Trinity College, on account of Advances made by the Treasury for completing the North Square of the said College, per Act 54 Geo. 3, c. 167	1,107	13	10	-	-	-	1,107	13	10
From several County Trustees, and others: On Account of Advances made by the Treasury for improving Post Roads in Ireland, under Act 45 Geo. 3, c. 43	6,036	6	8½	-	-	-	6,036	6	8½
On Account of Advances made by the Treasury for building Gaols, under Act 50 Geo. 3, c. 103	24,172	13	3¾	-	-	-	24,172	13	3¾
On Account of Advances made by the Treasury, for Police in proclaimed Districts, under Acts 54 Geo. 3, c. 131, and 3 Geo. 4, c. 103	89,011	13	7¾	-	-	-	89,011	13	7¾
On Account of Advances made by the Treasury for Public Works and Employment of the Poor, under Acts 57 Geo. 3, c. 34 and 124, and 3 Geo. 4, c. 112, and 3 Geo. 4, c. 84	40,573	1	11½	-	-	-	40,573	1	11½
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	209,124	1	10½	-	-	-	209,124	1	10½
TOTALS of the Public Income of Ireland	4,910,029	0	1¾	274,265	15	8½	4,635,763	4	5¼

Whitehall, Treasury Chambers,
10th March 1825.

RESOURCES, constituting the PUBLIC INCOME of IRELAND, for the Year January, 1825.

TOTAL INCOME including BALANCES outstanding 5th Jan. 1824.			Charges of Collection, and other Payments out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1825.			TOTAL DISCHARGE of the INCOME.			Rate per cent. for which the Gross Receipt was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1,651,827	2	10⅜	519,365	18	6	1,087,999	7	1	44,461	17	3⅜	1,651,827	2	10⅜	19	17	8
2,035,026	0	0⅞	306,835	16	3	1,654,756	14	4½	73,433	9	5⅜	2,035,026	0	0⅞	11	6	11
635,913	6	10	37,222	5	6½	490,945	6	8½	107,745	14	7¼	635,913	6	10	7	4	0
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		—	
225,308	12	11½	105,775	4	5½	76,615	7	8¼	42,918	0	9¾	225,308	12	11½	49	12	3
9,748	11	0¼	-	-	-	9,748	11	0¼	-	-	-	9,748	11	0¼		—	
4,557,823	13	9	969,199	4	9	3,320,065	6	10½	268,559	2	1¼	4,557,823	13	9	16	0	1
1,107	13	10	-	-	-	1,107	13	10	-	-	-	1,107	13	10		—	
6,036	6	8½	-	-	-	6,036	6	8½	-	-	-	6,036	6	8½		—	
24,172	13	3¾	-	-	-	24,172	13	3¾	-	-	-	24,172	13	3¾		—	
89,011	13	7¾	-	-	-	89,011	13	3¾	-	-	-	89,011	13	7¾		—	
40,573	1	11½	-	-	-	40,573	1	11½	-	-	-	40,573	1	11½		—	
209,124	1	10½	-	-	-	209,124	1	10½	-	-	-	209,124	1	10½		—	
4,927,849	5	1	969,199	4	9	3,690,090	18	2½	268,559	2	1¾	4,927,849	5	1		—	

J. C. HERRIES.

No. IV.—An Account of the TOTAL INCOME of the Revenue of Great Bri-
Repayments, Allowances, Discounts, Drawbacks, and Bounties of the nature
DITURE of the United Kingdom, exclusive of the Sums ap-

HEADS OF REVENUE.	NETT RECEIPT, as stated in Account of Public Income.			—		
ORDINARY REVENUES.	£.	s.	d.	£.	s.	d.
Balances and Bills outstanding on 5th January 1824	-	-	-	2,820,634	13	9
Customs	13,554,033	2	0½			
Excise	28,440,917	5	5¾			
Stamps	7,426,405	15	9¾			
Taxes	5,221,340	7	3¾			
Post Office	2,168,851	8	11			
One Shilling and Sixpenny Duty on Pensions and Salaries, and Four Shillings in the Pound on Pensions	62,534	5	11			
Hackney Coaches, and Hawkers and Pedlars	67,837	14	8			
Crown Lands	282,126	0	8			
Small Branches of the King's Hereditary Revenue	9,869	2	1			
Surplus Produce of Lottery, after payment of Lottery Prizes	252,213	2	6			
Surplus Fees of regulated Public Offices	39,888	8	4			
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	9,748	11	0¼			
				57,535,765	4	9¼
				60,356,399	18	6
Deduct Balances and Bills outstanding on 5th January 1825	-	-	-	2,740,920	5	3
Total Ordinary Revenues	-	-	-	57,615,479	13	3
OTHER RESOURCES.						
The amount of Savings on the Third Class of the Civil List	7,827	5	2			
Money brought from Civil List, on account of the Clerk of the Hanaper	1,100	0	0			
Money received in repayment of the Loan raised for the service of the Emperor of Germany, per Acts 35 and 37 Geo. 3	1,733,333	6	8			
By the East India Company, on account of Retired Pay, Pensions, &c. of his Majesty's Forces, serving in the East Indies, per Act 4 Geo. 4, c. 71	60,000	0	0			
By the Commissioners for the issue of Exchequer Bills, for the employment of the Poor, per Act 57 Geo. 3, c. 34	125,273	9	0			
By the Trustees of Naval and Military Pensions	4,660,000	0	0			
Money repaid in Ireland, on account of Advances from the Consolidated Fund, under various Acts, for Public Improvements	160,901	9	5½			
Imprest and other Monies paid into the Exchequer	411,949	19	10¾			
				7,160,385	10	2¼
				64,775,865	3	5¾
Balances, &c. in the hands of the Receivers, &c. on the 5th January 1824				2,820,634	13	9
Ditto on the 5th January 1825				2,740,920	5	3
Balances less in 1825 than in 1824				79,714	8	6
Surplus Income paid into the Exchequer, over Expenditure thereout				6,587,802	17	3
Actual Excess of Income over Expenditure				6,508,088	8	9

Whitehall, Treasury Chambers,
10th March 1825.

TAIN and IRELAND, in the Year ended 5th January 1825, after deducting the of Drawbacks; together with an Account of the PUBLIC EXPEN- plied to the Reduction of the National Debt within the same period.

EXPENDITURE.	—			—		
PAYMENTS OUT OF THE INCOME in its progress to the Exchequer:	£.	s.	d.	£.	s.	d.
Charges of Collection	3,967,641	14	11½			
Other Payments	1,445,819	12	6			
Total Payments out of the Income, prior to the Payments into the Exchequer	-	-	-	5,413,461	7	5½
PAYMENTS OUT OF THE EXCHEQUER:						
Dividends, Interest, and Management of the Public Funded Debt, four Quarters to 10th October 1824, exclusive of 5,150,059*l.* 18*s.* 1*d.* issued to the Commissioners for the Reduction of the National Debt	27,979,068	7	11			
Interest on Exchequer Bills	1,087,283	13	2	29,066,352	1	1
Issued to the Trustees of Military and Naval Pensions, &c. per Act 3 Geo. 4, c. 51	2,214,260	0	0			
Ditto - - Bank of England, per Act 4 Geo. 4, c. 22	585,740	0	0	2,800,000	0	0
Civil List - - - four Quarters to 5th January 1825	1,057,000	0	0			
Pensions charged by Act of Parliament on Consolidated Fund, four Quarters to 10th October 1824	371,644	1	10¾			
Salaries and Allowances	70,212	10	6			
Officers Courts of Justice	96,265	4	11			
Expenses of the Mint	14,748	7	0			
Bounties	2,956	13	8			
Miscellaneous	808,982	15	2			
Ditto - Ireland	300,102	10	8½	2,721,912	3	10¼
Army	7,573,026	2	7¾			
Navy	6,161,818	3	10			
Ordnance	1,407,308	2	10¼			
Miscellaneous	2,449,148	19	4¾	17,591,301	8	8¾
Money paid to the Bank of England, more than received from them on account of Unclaimed Dividends	48,424	4	2			
By the Commissioners for issuing Exchequer Bills, per Act 57 Geo. 3, c. 34 & 124, for the employment of the Poor	219,200	0	0			
Advances out of the Consolidated Fund in Ireland, for Public Works	327,411	0	10¾	595,035	5	0¾
TOTAL				58,188,062	6	2¼
Surplus of Income paid into the Exchequer, over Expenditure issued thereout				6,587,802	17	3½
				64,775,865	3	5¾

J. C. HERRIES.

No. II.—An Account of the Nett PUBLIC INCOME of the United Kingdom of the Expenditure thereout, defrayed by the several Revenue Depart- exclusive of the Sums applied to the Redemption

INCOME.	Applicable to the Consolidated Fund.			Applicable to other Public Services.			Income paid into the Exchequer.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	8,580,882	13	2¾	2,746,858	13	0	11,327,741	6	2¾
Excise	26,496,882	16	5½	271,157	3	6	26,768,039	19	11½
Stamps	7,244,042	7	0½	-	-	-	7,244,042	7	0½
Taxes under the management of the Commissioners of Taxes, including Arrears of Property Tax	4,919,248	9	8¾	2,821	14	2	4,922,070	3	10¾
Post Office	1,520,615	7	8¼	-	-	-	1,520,615	7	8¼
One Shilling and Sixpence Duty on Pensions and Salaries; and Four Shillings in the Pound on Pensions	61,374	12	10	-	-	-	61,374	12	10
Hackney Coaches, and Hawkers and Pedlars	57,134	10	0	-	-	-	57,134	10	0
Crown Lands	966	13	4	-	-	-	966	13	4
Small Branches of the King's Hereditary Revenue	5,189	16	3	-	-	-	5,189	16	3
Surplus Produce of Lottery, after Payment of Lottery Prizes	-	-	-	245,206	9	3	245,206	9	3
Surplus Fees, regulated Public Offices	39,888	8	4	-	-	-	39,888	8	4
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	9,748	11	0¼	-	-	-	9,748	11	0¼
TOTAL Ordinary Revenue	-	-	-	-	-	-	52,202,018	5	10
The amount of Savings on Third Class of the Civil List	7,827	5	2	-	-	-	7,827	5	2
Ditto brought from Civil List, on account of Clerk of the Hanaper	1,100	0	0	-	-	-	1,100	0	0
Ditto received in repayment of the Loan raised for the Service of the Emperor of Germany, per Acts 35 and 37 Geo. 3	1,733,333	6	8	-	-	-	1,733,333	6	8
By the East India Company on account of retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71	-	-	-	60,000	0	0	60,000	0	0
By the Trustees of Military and Naval Pensions, &c.	-	-	-	4,660,000	0	0	4,660,000	0	0
By the Commissioners for issuing Exchequer Bills for Public Works	-	-	-	125,273	9	0	125,273	9	0
Money repaid in Ireland, on account of advances from the Consolidated Fund, under various Acts for Public Improvements	160,901	9	5½	-	-	-	160,901	9	5½
Imprest and other Monies paid into the Exchequer	385,147	15	9	26,802	4	1¾	411,949	19	10¾
TOTAL paid into the Exchequer	51,224,284	2	11½	8,138,119	13	0¾	59,362,403	16	0¼

Whitehall, Treasury Chambers,
10th March, 1825.

Great Britain and Ireland, in the Year ended 5th January, 1825, after abating
ments, and of the Actual Issues or Payments within the same period,
of Funded Debt, or for paying off Unfunded Debt.

EXPENDITURE.				Nett Expenditure.		
	£.	s.	d.	£.	s.	d.
Dividends, Interest, and Management of the Public Funded Debt, four quarters to 10th October 1824, exclusive of 5,150,059*l.* 18*s.* 1*d.* issued to the Commissioners for the Reduction of the National Debt	27,979,068	7	11			
Interest on Exchequer Bills	1,087,283	13	2			
				29,066,352	1	1
Issued to the Trustees of Military and Naval Pensions, per Act 3 Geo. 4, c. 51	2,214 260	0	0			
Ditto - - - Bank of England - - - 4 Geo. 4, c. 22	585,740	0	0			
				2,800,000	0	0
Civil List, four quarters to 5th January 1825	1,057,000	0	0			
Pensions charged by Act of Parliament, on Consolidated Fund, four quarters to 10th Oct. 1824	371,644	1	10¾			
Salaries and Allowances - - - Ditto	70,212	10	6			
Officers of Courts of Justice - - Ditto	96,265	4	11			
Expenses of the Mint - - - Ditto	14,748	7	0			
Bounties - - - - - - Ditto	2,956	13	8			
Miscellaneous - - - - - Ditto	808,982	15	2			
Ditto - Ireland - - - - Ditto	300,102	10	8½			
				2,721,912	3	10¼
Army	7,573,026	2	7¾			
Navy	6,161,818	3	10			
Ordnance	1,407,308	2	10¼			
Miscellaneous	2,449,148	19	4¾			
				17,591,301	8	8¾
Total	-	-	-	52,179,565	13	8
Money paid to the Bank of England more than received from them on account of Unclaimed Dividends	48,424	4	2			
By the Commissioners for issuing Exchequer Bills, per Act 57 Geo. 3, c. 34 & 124, for the employment of the Poor	219,200	0	0			
Advances out of the Consolidated Fund in Ireland, for Public Works	327,411	0	10¾			
				595,035	5	0¾
Total				52,774,600	18	8¾
Surplus of Income paid into the Exchequer over Expenditure thereout				6,587,802	17	3½
				59,362,403	16	0¼

J. C. HERRIES.

No. III.—An Account of the BALANCE of PUBLIC MONEY remaining in the
to the FUNDED or UNFUNDED DEBT, in the Year ended 5th January,
or paying off the Unfunded Debt, within the same period; and

	£.	s.	d.	£.	s.	d.
Balances in the Exchequer on 5th January 1824				9,421,279	14	4¼
MONEY RAISED In the Year ended 5th January 1825, by the creation of Unfunded Debt:						
Exchequer Bills issued per Act 4 Geo. 4, c. 100	5,951,800	0	0			
Ditto - - 5 - - 2	15,000,000	0	0			
Ditto - - 5 - - 115	10,890,900	0	0			
Ditto to pay off £.4 per cent dissentients, 5 Geo. 4, c. 45	5,502,000	0	0			
Ditto Public Works - - - 3 Geo. 4, c. 86	219,200	0	0			
Ditto Churches - - - - 58 Geo. 3, c. 45	194,600	0	0	*37,758,500	0	0
TOTAL				47,179,779	14	4¼
Surplus of Income paid into the Exchequer, over Expenditure thereout				6,587,802	17	3½
				53,767,582	11	7¾

	£.	s.	d.
* Exchequer Bills charged upon Supplies	32,256,500	0	0
Ditto - - - Sinking Fund per Act 5 Geo. 4, c. 45	5,502,000	0	0
	37,758,500	0	0

Whitehall, Treasury Chambers,
1st February 1825.

Exchequer on the 5th January, 1824; the amount of Money raised by additions
1825; the Money applied towards the Redemption of the Funded,
the Money remaining in the Exchequer on the 5th January, 1825.

	£.	s.	d.	£.	s.	d.
APPLIED BY The Commissioners for the Reduction of the National Debt, in the Redemption of Funded Debt.						
Sinking Fund on Redeemed Funded Debt	5,000,000	0	0			
Interest on - - - - Ditto	150,059	18	1			
				5,150,059	18	1
Bank of England to pay off £.4 per cent dissentients				5,502,000	0	0
Applied towards Redemption of Funded Debt				10,652,059	18	1
FUNDED DEBT						
Issued to the Paymasters of Exchequer Bills to pay off Unfunded Debt				33,563,000	0	0
				44,215,059	18	1
Balances in the Exchequer at 5th January 1825				9,552,522	13	6¾
				53,767,582	11	7¾

J. C. HERRIES.

An Account of the State of the PUBLIC FUNDED DEBTS of GREAT BRITAIN the Debt created by

DEBT.

	1. CAPITALS.			2. CAPITALS redeemed and transferred to the Commissioners.			3. CAPITALS UNREDEEMED.		
GREAT BRITAIN.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Debt due to the South Sea Company - - at £.3 per cent	3,662,784	8	6	-	-	-	3,662,784	8	6
Old South Sea Annuities - do.	4,574,870	2	7	226,000	0	0	4,348,870	2	7
New South Sea Annuities - do.	3,128,330	2	10	146,000	0	0	2,982,330	2	10
South Sea Annuities, 1751 - - do.	707,600	0	0	35,000	0	0	672,600	0	0
Debt due to the Bank of England do.	14,686,800	0	0	-	-	-	14,686,800	0	0
Bank Annuities, created in 1726 do.	1,000,000	0	0	452	10	9	999,547	9	3
Consolidated Annuities - do.	369,763,675	11	7	5,198,203	7	11	364,565,472	3	8
Reduced Annuities - - do.	132,772,669	11	5	2,700,705	2	3	130,071,964	9	2
TOTAL at £.3 per cent	530,296,729	16	11	8,306,361	0	11	521,990,368	16	0
Annuities - - at £.3½ per cent	15,457,969	14	2	233,047	0	0	15,224,922	14	2
Reduced Annuities - - do.	74,698,208	12	4	5,873,659	8	7	68,824,549	3	9
New £.4 per cent Annuities	146,186,398	18	3	52,169	18	0	146,134,229	0	3
£.5 per cents 1797 and 1802............	997,650	2	4	3,771	9	3	993,878	13	1
Great Britain	767,636,957	4	0	14,469,008	16	9	753,167,948	7	3
IN IRELAND.									
(in British Currency)									
Irish Consolidated £.3 per cent Annuities	401,119	14	5	-	-	-	401,119	14	5
Irish Reduced £.3 per cent Annuities	995,400	0	0	-	-	-	995,400	0	0
£.3½ per cent Debentures and Stock	13,249,448	2	1	293,399	13	3	12,956,048	8	10
Reduced 3½ per cent Annuities	1,381,772	8	2	366,938	19	3	1,014,833	8	11
Debt due to the Bank of Ireland at £.4 per cent	1,615,384	12	4	-	-	-	1,615,384	12	4
New £.4 per cent Annuities	9,957,103	11	5	-	-	-	9,957,103	11	5
Debt Due to the Bank of Ireland at £.5 per cent	1,015,384	12	4	-	-	-	1,015,384	12	4
Ireland	28,615,613	0	9	660,338	12	6	27,955,274	8	3
TOTAL United Kingdom.....	796,252,570	4	9	15,129,347	9	3	781,123,222	15	6

	STOCK.		
	£.	s.	d.
Note.—THE above Columns, 1 & 2, show the Totals of Debt for the United Kingdom, after deducting the Stock directed to be cancelled by various Acts of Parliament, and by redemption of Land Tax, amounting to	484,408,884	19	9

and **Ireland**, and of the **Charge** thereupon at the 5th January, 1825, including 7,500,000*l.* raised in 1824.

CHARGE.

—		IN GREAT BRITAIN.			IN IRELAND (In British Currency.)			TOTAL ANNUAL CHARGE.		
		£.	s.	d.	£.	s.	d.	£.	s.	d.
Sinking Fund.	The Annual Sum of 5,000,000*l.*, directed to be issued per 4 Geo. 4, c. 19, towards the reduction of the National Debt of the United Kingdom	4,840,000	0	0	160,000	0	0			
	Annual Interest on Stock standing in the names of the Commissioners	456,733	13	2	23,111	17	0			
	Long Annuities - - do...	6,808	12	4	—					
		5,303,542	5	7	183,111	17	0			
Due to the Public Creditor.	Annual Interest on Unredeemed Debt	24,496,505	13	5	1,044,545	4	3			
	Long Annuities, expire 1860..	1,333,843	6	4	—					
	Life Annuities payable at the Exchequer, English	27,704	10	5	—					
	Do. - Irish	35,461	7	9	7,035	4	7			
		25,893,514	18	0	1,051,580	8	11			
Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax under Schedules C. & D. 53 Geo. 3, c. 123		8,467	5	2	—					
Management		279,360	9	9	752	6	2			
The Trustees of Military and Naval Pensions and Civil Superannuations		2,800,000	0	0	—					
		34,284,884	18	7	1,235,444	12	1	35,520,329	10	9

ABSTRACT.

—	CAPITALS.			CAPITALS transferred to the Commissioners.			CAPITALS unredeemed,			ANNUAL CHARGE.											
										Due to the Public Creditor.			MANAGEMENT.			SINKING FUND.			TOTAL.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	.	.
Great Britain	767,636,957	4	0¾	14,469,008	16	9	753,167,948	7	3¾	25,901,982	3	2¾	279,360	9	9¾	5,303,542	5	7	(a)		
Ireland................	28,615,613	9	0	660,338	12	6	27,955,274	8	3	1,051,580	8	11¼	752	6	2	183,111	17	0½	—		
	796,252,570	4	9¾	15,129,347	9	3	781,123,222	15	6¾	26,953,562	12	2	280,112	15	11¾	5,486,654	2	7½	—		
The Trustees of Military and Naval Pensions and Civil Superannuations										2,800,000	0	0	—			—			—		
										29,753,562	12	2	280,112	15	11¾	5,486,654	2	7½	35,520,329	10	9¼

Non-assented £.4 per cents, vested in the Commissioners as £.3½ per cents 5 Geo. 4, c. 45	6,197,012	11	11
Purchased with the Sinking Fund	6,844,690	13	3
Transferred for Life Annuities..................................	1,098,212	0	0
Stock Unclaimed, 10 years and upwards	209,690	2	10
Purchased with Unclaimed Dividends	497,500	0	0
Transferred for Redemption of Land Tax under Schedules C. & D.	282,242	1	3
Total transferred to Commissioners, as above	15,129,347	9	3

(a) Chargeable with £.538,491 5*s.* 0*d.* Life Annuities, per 48 Geo. 3, c. 142. Do. with the Sum of 106,100 1*s.* 0*d.* Annuities for a Term of Years to the Waterloo Fund, per 59 Geo. 3, c. 34.

And also with the Payment of £.6,197,012 11*s.* 11*d.* (by Quarterly Instalments), being the amount of Non-assented £.4 per cents vested in the Commissioners, per 5 Geo. 4, c. 45.

National Debt Office, 9th February 1825.

S. HIGHAM, Compt. Gen.

An Account of the UNFUNDED DEBT of GREAT BRITAIN and IRELAND, and of the Demands outstanding on the 5th January 1825.

—	PROVIDED.			UNPROVIDED.			TOTAL.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Exchequer Bills, exclusive of £.5,502,000 issued for paying off £.4 per cents, the payment of which is charged on the Sinking Fund	1,984,650	0	0	30,413,800	0	0	32,398,450	0	0
Sums remaining unpaid, charged upon Aids granted by Parliament	3,906,077	1	2½	-	-	-	3,906,077	1	2½
Advances made out of the Consolidated Fund in Ireland, towards the Supplies which are to be repaid to the Consolidated Fund, out of the Ways and Means in Great Britain	254,356	14	0¼	-	-	-	254,356	14	0¼
TOTAL Unfunded Debt, and Demands outstanding	6,145,083	15	2¾	30,413,800	0	0	36,558,883	15	2¾
Ways and Means	6,584,250	5	1½	—			—		
SURPLUS Ways and Means	439,166	9	10¾	—			—		
Exchequer Bills to be issued to complete the Charge upon the Consolidated Fund	-	-	-	1,550,031	5	6½	1,550,031	5	6½

Whitehall, Treasury Chambers,
1st February 1825.

J. C. HERRIES.

An Account showing how the Monies given for the SERVICE of the United Kingdom of Great Britain and Ireland, for the Year 1824, having been disposed of; distinguished under their several Heads; to 5th January 1825.

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Navy	5,668,643	2	6	4,678,835	7	9
Ordnance	1,504,294	0	0	850,723	3	2
Forces	7,403,287	17	3	6,143,182	8	6¾
For defraying the Charge of the Civil Establishments under-mentioned, for the year 1824; viz.						
Of the Bahama Islands	3,287	0	0	3,287	0	0
Of the Island of Dominica	600	0	0	300	0	0
Of Upper Canada	8,229	0	0	4,000	0	0
Of Nova Scotia	9,197	0	0	4,600	0	0
Of the Province of New Brunswick	5,194	0	0	2,500	0	0
Of Prince Edward Island	3,318	0	0	3,318	0	0
Of New South Wales	15,294	0	0	8,000	0	0
Of Sierra Leone	22,594	0	0	22,594	0	0
Of the Island of Newfoundland	4,830	13	0	3,500	0	0
To defray the Charge of the Civil and Military Establishments of the Settlements on the Gold Coast	43,926	18	0	36,927	11	0
Charge of the Convict Establishment at Bermuda	9,827	0	0	4,000	0	0
Interest on Exchequer Bills	1,050,000	0	0	1,050,000	0	0
Charge of the Royal Military College	11,423	19	1	1,510	17	3
Charge of the Royal Military Asylum	23,864	5	3	11,429	4	6
Expenses of Works and Repairs of Public Buildings	40,000	0	0	18,692	8	10
For carrying on the Works at the Royal Harbour of George the Fourth at King's Town (formerly Dunleary)	41,000	0	0	29,230	15	4½
To make good the Deficiency of the Fee Fund in the Department of his Majesty's Treasury	25,500	0	0	17,403	15	8
To make good the Deficiency of the Fee Fund in the Department of the Home Secretary of State	15,000	0	0	10,146	1	8
To make good the Deficiency of the Fee Fund in the Department of the Foreign Secretary of State	20,538	0	0	14,824	12	11½
To make good the Deficiency of the Fee Fund in the Department of the Secretary of State for the Colonies	14,500	0	0	10,898	14	1½
To make good the Deficiency of the Fee Fund in the Department of the Privy Council, and Privy Council for Trade, &c.	15,422	0	0	11,293	11	2
Contingent Expenses, and Messengers Bills, in the Department of the Treasury	8,000	0	0	2,500	0	0
Contingent Expenses, and Messengers Bills, in the Department of the Home Secretary of State	9,737	0	0	7,875	5	6
Contingent Expenses, and Messengers Bills, in the Department of the Foreign Secretary of State	38,450	0	0	38,450	0	0
Contingent Expenses, and Messengers Bills, in the Department of the Secretary of State for the Colonies	7,500	0	0	3,074	18	0
Contingent Expenses, and Messengers Bills, in the Department of the Privy Council, and Privy Council for Trade, &c.	2,964	0	0	2,073	5	10
Salaries to certain Officers, and Expenses of the Court and Receipt of Exchequer	5,665	0	0	5,493	11	11
Salaries of the Commissioners of the Insolvent Debtors Court, of their Clerks, and the Contingent Expenses of their Office	8,640	0	0	5,338	12	6
Expenses of the Houses of Lords and Commons	11,966	0	0	10,133	7	6
Salaries and Allowances to the Officers of the Houses of Lords and Commons	21,619	0	0	12,457	17	6

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Extraordinary Expense in the Department of the Lord Chamberlain, for Fittings and Furniture to the two Houses of Parliament	4,800	0	0	1,992	18	4
Salaries of the Officers, and the Contingent Expenses of the Office for the Superintendence of Aliens, and also the Superannuations or Retired Allowances to Officers formerly employed in that Service	4,872	0	0	4,872	0	0
Allowances to Protestant Dissenting Ministers in England, poor French Protestant Refugee Clergy, poor French Protestant Refugee Laity, and sundry small Charitable and other Allowances to the Poor of St. Martin's-in-the-Fields, and others	6,512	7	10	3,456	3	11
Charge of printing Acts of Parliament for the two Houses of Parliament, for the Sheriffs, Clerks of the Peace, and Chief Magistrates throughout the United Kingdom, and for the acting Justices throughout Great Britain; also for printing Bills, Reports, Evidence, and other Papers and Accounts for the House of Lords	17,000	0	0	—		
Deficiency of the Grant of 1823, for printing Acts of Parliament for the two Houses of Parliament, for the Sheriffs, Clerks of the Peace, and Chief Magistrates throughout the United Kingdom, and for the acting Justices throughout Great Britain; also for printing Bills, Reports, Evidence, and other Papers and Accounts for the House of Lords	7,831	2	4¾	7,434	5	9¾
Expenses incurred for printing, by order of the Commissioners for carrying into execution the measures recommended by the House of Commons respecting the Records of the Kingdom	4,047	12	10	4,047	12	10
Expense incurred in 1823, for printing and delivering Copies of the Acts of the 4th of his present Majesty, relative to the Solemnization of Marriages in England	849	9	4	849	9	4
Expense of printing Bills, Reports, and other Papers, by Order of the House of Commons, during the present session of Parliament	20,000	0	0	—		
Deficiency of the Grant of 1823, for printing Bills, Reports, and other Papers, during the last session of Parliament	13,433	18	6	13,433	18	6
Expense of printing 1,750 copies of the 79th Volume of Journals of the House of Commons, being for the present session of Parliament	3,500	0	0	—		
Deficiency of the Grant of 1823, for printing 1,750 copies of the 78th Volume of Journals of the House of Commons	1,597	4	6	1,597	4	6
Deficiency of the Grant of 1822, for re-printing Journals and Reports of the House of Commons	670	18	6	670	18	6
Expense of printing the Votes of the House of Commons during the present session	3,500	0	0	3,500	0	0
Expense of providing Stationery, Printing, and Binding for the several Public Departments, for the year 1824, including the Expense of the Establishment of the Stationery Office	96,310	0	0	50,240	0	0
Expense of Law Charges	17,000	0	0	10,000	0	0
Expense attending the confining, maintaining, and employing Convicts at home	60,754	0	0	60,754	0	0
Salaries or Allowances granted to certain Professors at the Universities of Oxford and Cambridge, for reading Courses of Lectures	1,171	6	9	1,171	6	9
For his Majesty's Foreign and other Secret Services	38,000	0	0	33,675	7	3
Extraordinary Expenses that may be incurred for Prosecutions relating to the Coin of this Kingdom	5,000	0	0	—		
Extraordinary Expenses of the Mint in the Gold Coinage	10,000	0	0	10,000	0	0
To make good the loss upon the Irish Silver Tokens already recoined and to be recoined	100,000	0	0	100,000	0	0
Charge for Civil Contingencies	206,507	0	0	205,930	1	3
Amount of Bills drawn or to be drawn from New South Wales	150,000	0	0	100,000	0	0
Expense of certain Colonial Services formerly paid out of the Extraordinaries of the Army	2,442	10	0	2,442	10	0
Charges of the Society for the Propagation of the Gospel in the Colonies of Upper and Lower Canada, New Brunswick, Nova Scotia, Newfoundland, Prince Edward Island, and the Cape of Good Hope	15,532	0	0	8,400	0	0

SERVICES—*continued.*	SUMS Voted or Granted. £.	s.	d.	SUMS Paid. £.	s.	d.
Bills drawn from abroad, for the Expenses incurred under the Act for the Abolition of the Slave Trade, and in conformity to the Orders in Council for the support of captured Negroes, free American Settlers, &c.	45,000	0	0	45,000	0	0
Charge of purchasing, and the Expenses incidental to the preservation and Public Exhibition of the Collection of Pictures which belonged to the late John Julius Angerstein, Esq.	60,000	0	0	59,711	9	9
To defray that part of the Expense of rebuilding the Bridge at Annan, on the line of communication between Great Britain and Ireland, by Port Patrick and Donaghadee, which it is proposed should be borne by the public	3,000	0	0	—		
The following SERVICES are directed to be paid, without any Fee or other Deduction whatsoever:						
Works carrying on at the College of Edinburgh	10,000	0	0	10,000	0	0
Works executing at Port Patrick Harbour	13,855	0	0	13,855	0	0
For completing the Works of the Caledonian Canal	25,000	0	0	25,000	0	0
Towards defraying the Expense of Building the New Courts of Justice in Westminster Hall	30,000	0	0	—		
Towards defraying the Expense of Buildings at the British Museum	40,000	0	0	—		
To defray the Expense of sundry Works executing at Donaghadee Harbour	14,467	11	0	14,467	11	0
Expense of the Establishment of the Penitentiary House at Milbank	23,000	0	0	10,000	0	0
To make compensation to the Commissioners for inquiring into the Collection and Management of the Revenue in Ireland, and the several Establishments connected therewith, for their assiduity, care, and pains, in the execution of the Trust reposed in them by Parliament	6,000	0	0	6,000	0	0
Expense of the National Vaccine Establishment	3,000	0	0	1,500	0	0
Charge of Allowances or Compensations granted or allowed as Retired Allowances or Superannuations, to persons formerly employed in Public Offices or Departments, or in the Public Service	10,910	6	8	1,837	10	0
To enable his Majesty to grant relief, in the year 1824, to Toulonese and Corsican Emigrants, Dutch Naval Officers, Saint Domingo Sufferers, and others who have heretofore received Allowances from his Majesty, and who from Services performed or Losses sustained in the British Service, have special claims upon his Majesty's justice and liberality	16,520	0	0	10,700	0	0
For the Relief of American Loyalists	6,500	0	0	4,000	0	0
Expense of confining and maintaining Criminal Lunatics	3,306	10	0	2,592	12	11
To pay, in the year 1824, the Salaries and Incidental Expenses of the Commissioners appointed on the part of his Majesty, under the Treaties with Spain, Portugal, and the Netherlands, for preventing the illegal traffic in Slaves, and in pursuance of the Acts for carrying the said Treaties into effect	17,425	0	0	56	8	0
For the Support of the Institution, called "The Refuge for the Destitute"	5,000	0	0	5,000	0	0
British Museum, for the year 1824	4,847	0	0	4,847	0	0
Expense of the New Building at Whitehall, intended for the Board of Trade	17,000	0	0	1,930	12	5
Expense of improving and rendering more safe the Navigation of the Menai Straits	5,000	0	0	5,000	0	0
Outstanding Charges for Outfit and Salaries to his Majesty's Consuls General, Consuls, and Vice Consuls in Spanish America, in the year 1823; and also, to defray the probable Charges for Salaries to the said Consuls General, Consuls, and Vice Consuls, for the year 1824	34,450	0	0	23,250	16	5¼
Expense of the Special Commissions to Spanish America, for the years 1823 and 1824	23,500	0	0	23,500	0	0
Towards defraying the Charge which may be incurred, in the year 1824, for Repairs and Works to be executed at Windsor						

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Castle, and for the Purchase or Exchange of certain Lands adjoining thereto	150,000	0	0	5,000	0	0
For defraying the CHARGE of the following Services in Ireland; which are directed to be paid Nett in British Currency.						
Expense of the Board of Works in Ireland; for the year 1824	16,800	0	0	8,384	0	9¼
Expense of Printing, Stationery, and other Disbursements of the Chief and Under Secretaries Offices and Departments, and other Public Offices in Dublin Castle, &c.; and for Riding Charges and other Expenses of the Deputy Pursuivants and Messengers attending the said Offices; also Superannuated Allowances in the Chief Secretary's Office	16,000	0	0	11,970	14	4½
Expense of publishing Proclamations and other matters of a Public nature, in the Dublin Gazette and other Newspapers in Ireland	6,500	0	0	5,362	18	2¼
Expense of Printing and Binding Public General Acts, for the use of the Lords Bishops, Magistrates, and Public Officers in Ireland	5,000	0	0	5,000	0	0
Expense of Criminal Prosecutions and other Law Expenses in Ireland	24,000	0	0	24,000	0	0
Deficiency of the Grant of the year 1823, for the Expense of Criminal Prosecutions and other Law Expenses in Ireland	5,200	0	0	5,187	18	2¼
To defray the Expense of supporting Non-conforming Ministers in Ireland	8,843	0	0	6,557	10	9¼
For the Support of the Seceding Ministers from the Synod of Ulster in Ireland	4,234	0	0	2,017	7	8¼
Expense of supporting the Protestant Dissenting Ministers in Ireland	756	0	0	756	0	0
Salaries of the Lottery Officers in Ireland	1,072	12	4	1,072	12	4
Expense of improving and completing the Harbour of Howth	4,000	0	0	—		
Civil Contingencies in Ireland	15,000	0	0	7,397	2	7¼
Expense of the Directors and Officers of Inland Navigations in Ireland, and of maintaining the said Navigations	4,500	0	0	4,500	0	0
Expense of the Police and Watch Establishments of Dublin	27,000	0	0	27,000	0	0
Salaries and Expenses of the Commissioners for inquiring into the Duties and Fees of the Officers of Courts of Justice in Ireland	7,140	0	0	5,665	4	7
Salaries and Expenses of the Commissioners of Enquiry into the Land Revenue of the Crown in Ireland	1,651	0	0	1,348	13	10¼
Salaries and Expenses of the Record Commission in Ireland	5,100	0	0	2,715	7	8¼
Retired or Superannuation Allowances to Public Officers	1,116	18	5	837	13	10¼
Expense of Improvements on the Road from London to Dublin	10,000	0	0	—		
Expense of commencing a Trigonometrical Survey of Ireland	5,000	0	0	—		
Expense of the Commissioners of Wide Streets in Dublin	10,000	0	0	10,000	0	0
Expense of the Royal Irish Academy	300	0	0	300	0	0
Expense of the Linen Board of Ireland	19,938	9	2¾	19,938	9	2¾
Expense of the Protestant Charter Schools of Ireland	21,615	0	0	21,615	0	0
Expense of supporting the House of Industry Hospitals, and Asylum for industrious Children in Dublin	18,790	0	0	14,615	7	8¼
Expense of supporting the Richmond Lunatic Asylum in Dublin	4,900	0	0	4,900	0	0
Expense of the Hibernian Society for Soldiers' Children	7,500	0	0	2,769	4	7¼
Expense of the Hibernian Marine Society in Dublin	1,600	0	0	1,600	0	0
Expense of the Female Orphan House in Dublin	1,878	0	0	1,200	0	0
Expense of supporting the Westmorland Lock Hospital in Dublin	2,445	0	0	2,445	0	0
Expense of the Lying-in Hospital in Dublin	2,900	0	0	2,900	0	0
Expense of Dr. Steevens's Hospital in Dublin	1,400	0	0	1,400	0	0
Expense of Fever Hospital and House of Recovery in Dublin	3,692	0	0	3,692	0	0
Expense of the Hospital for Incurables in Dublin	350	0	0	350	0	0
Expense of the Roman Catholic Seminary in Ireland	8,928	0	0	8,928	0	0
Expense of the Royal Cork Institution	2,000	0	0	2,000	0	0
Expense of the Royal Dublin Society	7,000	0	0	7,000	0	0
Expense of the Farming Society of Ireland	2,500	0	0	2,500	0	0

SERVICES—*continued.*	SUMS Voted or Granted. £.	s.	d.	SUMS Paid. £.	s.	d.
Expenses of the Commissioners of Charitable Donations and Bequests in Ireland	500	0	0	500	0	0
Expense of the Society for discountenancing Vice in Ireland	4,473	0	0	3,000	0	0
Expense of the Society for promoting the Education of the Poor in Ireland	22,000	0	0	22,000	0	0
Expense of the Foundling Hospital in Dublin	27,667	0	0	27,667	0	0
In aid of Schools established by Voluntary Contributions	10,000	0	0	1,652	0	0
	17,784,714	13	4½	14,209,057	0	10¾
To pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies of the year 1824, now remaining unpaid or unprovided for	33,663,200	0	0	28,196,800	0	0
To pay off and discharge Exchequer Bills issued between the 5th day of January 1823, and the 5th day of January 1824, pursuant to the several Acts of the 57th and 58th years of the reign of his late Majesty, and the 1st and 3rd years of the reign of his present Majesty, for authorising the issue of Exchequer Bills for the carrying on Public Works and Fisheries in the United Kingdom, and for Building and promoting the Building of additional Churches	368,100	0	0			
	51,816,014	13	4½	42,405,857	0	10¾

PAYMENTS FOR OTHER SERVICES,

Not being part of the Supplies granted for the Service of the Year.

——	Sums Paid to 5th January, 1825. £.	s.	d.	Estimated further Miscellaneous Payments. £.	s.	d.
Grosvenor Charles Bedford, Esq. on his Salary for additional trouble in preparing Exchequer Bills, pursuant to an Act 48 Geo. 3, c. 1	150	0	0	50	0	0
For the purchase of the remaining third part of the Annuity of £.19,000, payable to the Duke of Richmond, pursuant to Act 39 and 40 Geo. 3, c. 43	200,027	15	6			
Expenses in the Office of the Commissioners for inquiring into the Collection and Management of the Revenue in Ireland	5,000	0	0			
Expenses in the Office of the Commissioners for issuing Exchequer Bills, pursuant to Acts 57 Geo. 3, c. 34 and 124, and 3 Geo. 4, c. 86	2,000	0	0			
Expenses in the Office of the Commissioners for issuing Exchequer Bills for Building additional Churches, per Act 58 Geo. 3, c. 45	3,000	0	0			
Paid to the Bank of England, more than received of them, to make up their Balance on account of Unclaimed Dividends	48,424	4	2			
To pay Interest on Exchequer Bill, issued per Act 4 Geo. 4, c. 102	30,000	0	0			
	288,601	19	8	50	0	0
				288,601	19	8
Total Payments for Services not voted				288,651	19	8
Amount of Sums voted				51,816,014	13	4½
Total Sums voted, and Payments for Services not voted				52,104,666	13	0½

WAYS AND MEANS

for answering the foregoing Services.

				£.	s.	d.
Duty on Sugar, Tobacco and Snuff, Foreign Spirits and Sweets, and on Pensions, Offices, &c.				3,000,000	0	0
Trustees for the Payment of Naval and Military Pensions, and Civil Superannuations per Act 3 Geo. 4, c. 51				4,620,000	0	0
East India Company, per Act 4 Geo. 4, c. 71				60,000	0	0
Sum to be brought from the Consolidated Fund, per Act 5 Geo. 4, c. 42				14,600,000	0	0
Surplus Ways and Means, per Act 5 Geo. 4, c. 42				41,597	0	0
Interest on Land Tax redeemed by Money				41	6	7½
Repayments on account of Exchequer Bills issued pursuant to two Acts of the 57th year of his late Majesty, for carrying on Public Works and Fisheries in the United Kingdom				208,273	9	0
				22,529,911	15	7½
Exchequer Bills voted in Ways and Means; viz. 5 Geo. 4, c. 2	£.15,000,000	0	0			
5 Geo. 4, c. 115	15,000,000	0	0			
				30,000,000	0	0
Total Ways and Means				52,529,911	15	7½
Total Sums voted, and Payments for Services not voted				52,104,666	13	0½
Surplus Ways and Means				425,245	2	7

Whitehall, Treasury Chambers,
1st February 1825.

J. C. HERRIES.

Mem.—THE Sum of £.2,000,000 was authorized by Act 5 Geo. 4, c. 3, to be applied out of the Ways and Means granted for the Service of the year 1823, and the like Sum was granted out of the Ways and Means 1824, to discharge the like amount of Supplies for the Service of the year 1823.

CLASS VII.—ARREARS AND BALANCES.

[This Head, which occupies 110 folio pages in the Finance Accounts, is here omitted, as not being of general utility.]

TRADE OF THE UNITED KINGDOM.

An Account of the Value of all IMPORTS into, and of all EXPORTS from the United Kingdom of Great Britain and Ireland, during each of the Three Years ending the 5th January 1825 (calculated at the Official Rates of Valuation, and stated exclusive of the Trade between Great Britain and Ireland reciprocally).

YEARS ending 5th January.	VALUE OF IMPORTS into the United Kingdom, calculated at the Official Rates of Valuation.			VALUE OF EXPORTS FROM THE UNITED KINGDOM, calculated at the Official Rates of Valuation.									VALUE of the Produce and Manufactures of the United Kingdom Exported therefrom according to the Real and Declared Value thereof.		
				Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandize.			TOTAL EXPORTS.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1823....	30,530,663	0	6	44,236,533	2	4	9,227,589	6	11	53,464,122	9	3	36,968,964	9	9
1824....	35,798,707	5	1	43,804,372	18	1	8,603,904	9	1	52,408,277	7	2	35,458,048	13	6
1825....	37,547,826	15	4	48,735,551	2	5	10,204,785	6	4	58,940,336	8	9	38,396,300	17	3

FOREIGN TRADE OF GREAT BRITAIN.

An Account of the Value, as calculated at the Official Rates, of all IMPORTS into, and of all EXPORTS, from Great Britain, during each of the Three Years ending the 5th January 1825; showing the Trade with Foreign Parts separately from the Trade with Ireland; and distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from Great Britain, according to the Real and Declared Value thereof.

TRADE OF GREAT BRITAIN WITH FOREIGN PARTS:

YEARS ending 5th January.	VALUE OF IMPORTS into Great Britain, calculated at the Official Rates of Valuation.			VALUE OF EXPORTS FROM GREAT BRITAIN, calculated at the Official Rates of Valuation.									VALUE of the Produce and Manufactures of the United Kingdom Exported from Great Britain, according to the Real and Declared Value thereof,		
				Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandize.			TOTAL EXPORTS.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1823....	29,432,375	14	0	43,558,488	12	9	9,211,927	16	10	52,770,416	9	7	36,176,896	13	11
1824....	34,591,264	9	1	43,144,466	1	6	8,588,995	18	0	51,733,461	19	6	34,691,124	8	10
1825....	36,141,339	8	3	48,030,036	11	4	10,188,596	9	2	58,218,633	0	6	37,573,918	0	0

Inspector General's Office, Custom House,
London, 22nd March 1825.

WILLIAM IRVING,
Inspector General of Imports and Exports.

TRADE OF GREAT BRITAIN—*continued.*

TRADE OF GREAT BRITAIN WITH IRELAND:

YEARS ending 5th January.	VALUE OF IMPORTS into Great Britain, calculated at the Official Rates of Valuation.			VALUE OF EXPORTS FROM GREAT BRITAIN, calculated at the Official Rates of Valuation.									VALUE of the Produce and Manufactures of the United Kingdom Exported from Great Britain, according to the Real and Declared Value thereof.		
				Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandize.			TOTAL EXPORTS.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1823....	4,873,610	2	0	2,894,125	0	11	1,298,593	7	10	4,192,718	8	9	3,386,548	8	3
1824....	5,821,036	1	11	3,141,825	11	0	1,359,376	6	5	4,501,201	17	5	3,488,591	0	8
1825....	5,588,146	9	6	3,688,570	6	4	1,318,069	0	8	5,006,639	7	0	4,261,113	11	10

TRADE OF GREAT BRITAIN WITH ALL PARTS:

YEARS ending 5th January.	VALUE OF IMPORTS into Great Britain, calculated at the Official Rates of Valuation.			VALUE OF EXPORTS FROM GREAT BRITAIN, calculated at the Official Rates of Valuation.									VALUE of the Produce and Manufactures of the United Kingdom Exported from Great Britain, according to the Real and Declared Value thereof.		
				Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandize.			TOTAL EXPORTS.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1823....	34,305,985	16	0	46,452,613	13	8	10,510,521	4	8	56,963,134	18	4	39,563,445	2	2
1824....	40,412,300	11	0	46,286,291	12	6	9,948,372	4	5	56,234,663	16	11	38,179,715	9	6
1825....	41,729,485	17	9	51,718,606	17	8	11,506,665	9	10	63,225,272	7	6	41,835,031	11	10

Inspector General's Office, Custom House,
London, 22nd March 1825.

WILLIAM IRVING,
Inspector General of Imports and Exports.

TRADE OF IRELAND.

An Account of the VALUE of all IMPORTS into, and of all EXPORTS from IRELAND; during each of the Three Years ending 5th January 1825 (calculated at the Official Rates of Valuation, and stated exclusive of the Trade with GREAT BRITAIN); distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported:—also stating the Amount of the Produce and Manufactures of the United Kingdom Exported from IRELAND, according to the Real or Declared Value thereof.

—		VALUE of Imports into IRELAND, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM IRELAND, calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufactures of the United Kingdom, Exported from Ireland, according to the Real or Declared Value thereof.
			Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandize.	TOTAL EXPORTS.	
	YEARS ENDING	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
VALUE exclusive of the Trade with GREAT BRITAIN.	5th January 1823 ……	1,098,287 6 6	678,044 9 7	15,661 10 1	693,705 19 8	792,067 15 10
	— 1824 ……	1,207,442 16 0½	659,906 16 7¼	14,908 11 1¼	674,815 7 8¾	765,924 4 8¼
	— 1825 ……	1,406,487 7 1¼	705,514 11 0¼	16,188 17 2¼	721,703 8 3	822,382 17 3

Custom House, Dublin,
26th February, 1825.

WILLIAM MARRABLE,
Inspector General of the Imports and Exports of Ireland.

NAVIGATION OF THE UNITED KINGDOM.

New Vessels Built.—An Account of the Number of Vessels, with the Amount of their Tonnage, that were built and registered in the several Ports of the British Empire, in the Years ending the 5th January 1823, 1824, and 1825, respectively.

—	In the Years ending 5th January.					
	1823.		1824.		1825.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom	564	50,928	594	63,151	799	91,083
Isles Guernsey, Jersey, and Man........	7	605	10	637	38	2,136
British Plantations	209	15,611	243	22,240	174	21,968
Total	780	67,144	847	86,028	1,011	115,187

Vessels Registered.—An Account of the Number of Vessels, with the Amount of their Tonnage, and the Number of Men and Boys usually employed in Navigating the same, that belonged to the several Ports of the British Empire, on the 30th September in the Years 1822, 1823, and 1824, respectively.

—	On 30th Sept. 1822.			On 30th Sept. 1823.			On 30th Sept. 1824.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom ..	20,756	2,288,999	147,529	20.573	2,275,995	147,058	20,803	2,321,953	149,742
Isles Guernsey, Jersey, and Man ..	482	26,404	3,788	469	26,872	3,680	477	26,361	3,806
British Plantations..	3,404	203,641	15,016	3,500	203,893	14,736	3,496	211,273	15,089
Total	24,642	2,519,044	166,333	24,542	2,506,760	165,474	24,776	2,559,587	168,637

Inspector General's Office, Custom House,
London, 22nd March 1825.

WILLIAM IRVING,
Inspector General of Imports and Exports.

NAVIGATION OF THE UNITED KINGDOM—*continued.*

VESSELS EMPLOYED IN THE FOREIGN TRADE.—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same (including their repeated Voyages) that entered Inwards and cleared Outwards, at the several Ports of the United Kingdom, from and to all Parts of the World (exclusive of the intercourse between GREAT BRITAIN and IRELAND respectively) during each of the three Years ending 5th January 1825.

SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM,

(Exclusive of the Intercourse between Great Britain and Ireland.)

Years ending 5th Jan.	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1823..	11,087	1,663,627	98,980	3,389	469,151	28,421	14,476	2,132,778	127,401
1824..	11,271	1,740,859	112,244	4,069	582,996	33,828	15,340	2,323,855	146,072
1825..	11,731	1,797,089	108,686	5,655	759,672	42,126	17,386	2,556,761	150,812

SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM,

(Exclusive of the Intercourse between Great Britain and Ireland.)

Years ending 5th Jan.	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1823..	10,023	1,539,260	95,998	2,843	457,542	25,394	12,866	1,996,802	121,392
1824..	9,666	1,546,976	95,596	3,437	563,571	29,323	13,103	2,110,547	124,919
1825..	10,156	1,657,270	103,085	5,025	746,729	38,782	15,181	2,403,999	141,867

Inspector General's Office, Custom House,
London, 22nd March 1825.

WILLIAM IRVING,
Inspector General of Imports and Exports.

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T. C. Hansard,
Printer,
Paternoster-row Press.

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